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Canada - Indian Act Special Committee
in the 1947

SESSION 1947

Government
Publications



SPECIAL JOINT COMMITTEE OF THE SENATE
AND THE HOUSE OF COMMONS

APPOINTED TO CONTINUE AND COMPLETE THE
EXAMINATION AND CONSIDERATION OF THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 11 - 20

THURSDAY, APRIL 17, 1947

FRIDAY, APRIL 18, 1947

WITNESSES:

- Mr. Andrew Moore, B.A., LL.B., Ph.D., Inspector, Secondary Schools,
Province of Manitoba, Winnipeg, Manitoba;
Mr. Charles H. Bland, C.M.G., Chairman, Civil Service Commission of
Canada, Ottawa, Canada.

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1947



MINUTES OF PROCEEDINGS

THE SENATE

THURSDAY, 17th April, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said committee, met this day at 11 o'clock a.m.

Presiding: Mr. D. F. Brown, M.P., (Joint Chairman).

Present:

The Senate: (In recess)

The House of Commons: The Honourable Mr. Stirling and Messrs. Brown, Blackmore, Bryce, Case, Castleden, Charlton, Farquhar, Gariépy, Harkness, Little, MacLean, MacNicol, Matthews (*Brandon*) (Vice Chairman), Raymond (*Wright*), Reid, Stanfield. 17.

In attendance: Mr. C. H. Bland, C.M.G., Chairman, Civil Service Commission of Canada; (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; B. F. Neary, M.B.E., Superintendent, Welfare and Training Division; H. M. Jones, Supervisor, Family Allowances.

Dr. Andrew Moore, Inspector Secondary Schools, Province of Manitoba; Reverend Father X. Lauzon, A.M.M., Eastview, Ontario.

The Chairman reported with regard to the appointment of subchairmen of subcommittees and the departmental officers who will act as technical advisers to subcommittees. (See Minutes of Evidence).

On motion of Mr. Harkness, it was

Resolved: That a report made to the former Minister of Mines and Resources (Hon. Mr. Crerar) by Mr. Justice Macdonald, Calgary, Alberta, with regard to matters affecting band membership in Alberta be made available to this committee.

Mr. Hoey gave answers to questions asked of the Very Reverend Dr. Robert Johnston, at the previous meeting, with regard to enrolments, etc., at residential schools administered by the Women's Missionary Society of the Presbyterian Church in Canada.

Dr. Andrew Moore was recalled, made a further statement on which he was questioned. He was thanked by the Chairman for the valuable advice and recommendations he had proffered and was excused from further attendance.

It was agreed that the Committee go into closed session at 12.30 p.m., to hear and consider recommendations with regard to certain aspects of the Orders of Reference to the Committee.

The Committee adjourned at 1 o'clock p.m., to meet again in closed session on Friday next, 18th April, at 11 o'clock a.m.

T. L. McEVOY,
Clerk of the Joint Committee.

THE SENATE

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In attendance: Mr. Charles H. Bland, C.M.G., Chairman, Civil Service Commission of Canada; Mr. R. A. Hoey, Director, Indian Affairs Branch.

Mr. Bryce, by leave of the Committee, made a further statement with regard to certain Indian reserves in his constituency and, for the information of the Committee, displayed photographs to show certain improvements which have been taken place both at Norway House and Cross Lake, since the appointment of the present Indian agent.

The Chairman suggested that, before Monday next, April 21, members of the Committee should review previous minutes of the Committee, in order to familiarize themselves with the briefs already presented to the Committee by various bands of Indians in Alberta and by the Indian Association of Alberta, whose delegates will be heard that day.

At 11.25 a.m., the Committee went into closed session for the purpose of hearing and considering further recommendations with regard to certain aspects of the Orders of Reference to the Committee.

T. L. McEVOY,
Clerk of the Joint Committee

MINUTES OF EVIDENCE

THE SENATE

April 17, 1947.

The Special Joint Committee of the Senate and the House of Commons, appointed to examine and consider the Indian Act, met this day at 11.00 a.m. Mr. D. F. Brown, M.P., (Joint Chairman) presided.

The CHAIRMAN: Last evening a meeting was held of the members of the subcommittees on revision of the Indian Act, education, and treaty rights and obligations. The following were chosen as subchairmen of those committees. As you understand, the joint chairmen are *ex officio* chairmen of all subcommittees, but in order to get the work done expeditiously it has been decided that we should appoint subchairmen who will be more or less in charge of the subcommittees. The Hon. Senator McKeen was appointed subchairman of the Revision Committee. Mr. J. E. Matthews, M.P., was appointed subchairman of the Education Committee, and Mr. W. Gariepy, K.C., M.P., was appointed subchairman of the committee on Treaty Rights and Obligations.

The following departmental officers will act as technical advisers to the unnamed subcommittees:

Revision of Indian Act: Messrs. C. W. Jackson, W. M. Cory and T. R. L. MacInnes; Education: Messrs. B. F. Neary, M.B.E., and P. N. L. Phelan; Treaty Rights and Obligations: Messrs. W. M. Cory and T. R. L. MacInnes.

Mr. REID: What positions do these men hold in the department?

The CHAIRMAN: As you know, Mr. Jackson is Assistant Deputy Minister, Mines and Resources. Mr. T. R. L. MacInnes has been a witness before this committee. He is Secretary of the Indian Affairs Branch. Mr. W. M. Cory is the departmental solicitor. Colonel Neary has been before the committee, and may be a witness today. He is the superintendent of welfare and training division. Mr. P. N. L. Phelan is chief of the training section.

Mr. REID: Do those last two men you have mentioned deal entirely with education of the Indians?

The CHAIRMAN: Yes, that is Colonel Neary and Mr. Phelan. Mr. Norman Lickers, counsel and liaison officer to this committee, will be sitting in with the subcommittees on revision of the Act and treaty rights and obligations. As you remember Mr. Lickers was appointed as counsel for this committee at the last meeting.

Mr. MacNICOL: When does he start?

The CHAIRMAN: The first of the coming week. If we can get him here this week, he will start this week. We expect it will be the first of next week. If we can we will get him the end of this week. There is only another day of it left.

Mr. M. McCrimmon will be available to advise on any questions affecting band membership. He is chief clerk of the reserves and trusts division.

The first matter of business before the committee this morning will be the answering of some questions arising out of the evidence submitted on Tuesday last by Dr. Robert Johnston. Mr. Hoey is here to answer those questions. If it is your pleasure we will now hear from him.

Mr. HARKNESS: Before we proceed with Mr. Hoey I should like to move that the Macdonald report on band membership be tabled for the use of this committee. This report was made by Mr. Justice Macdonald. It was a judicial inquiry into one of the most vexed questions in northern Alberta, that is, as to what people were entitled to membership in the bands and the rights of the reservations, and so forth. In view of the fact that the Alberta delegation will be here on Monday I think the committee should have the advantage of having that report and knowing what is in it. I would therefore move that the report be tabled here and made available to the members of the committee.

Mr. REID: Are you presenting the report?

Mr. HARKNESS: No. The report was made at the instance of the government. It was a judicial report made by Mr. Justice Macdonald because there were terrific numbers of complaints from the Indians in the northern part of Alberta due to a considerable number of them being taken out of treaty. A large number of the ones who were taken out of treaty claimed they were entitled to remain in treaty. As a result of the difficulties there were over that matter, Judge Macdonald was appointed to make this inquiry.

Hon. Mr. STIRLING: When was it?

Mr. HARKNESS: It was about three years ago. As that will be one of the chief complaints of the Indian delegation from Alberta I think this committee should have the advantage of seeing the report so that we will more or less know what the situation is apart from the representation that the Indians make themselves.

Mr. CASTLEDEN: I will second that motion.

Mr. MacNICOL: Have you only one copy or have you a copy for each member of the committee? It will be on the record, will it?

The CHAIRMAN: I think that is Colonel Harkness' idea. I believe he has discussed it with the departmental officers and they have no objection, but it is a contentious matter.

Mr. REID: Is there just one copy? I quite realize it is all right to print it but if it is to be printed we can not get it before Monday.

The CHAIRMAN: I do not think the report has ever been tabled in the House.

Mr. HARKNESS: I do not think it has been made public, up to date.

The CHAIRMAN: I suppose it should be tabled in the House before it is brought before this committee.

Mr. HARKNESS: I do not know that there is any necessity for that. It was a judicial investigation made on behalf of the minister in charge of Indian Affairs and I do not think there should be any difficulty in having it tabled here for the use of this committee.

The CHAIRMAN: I do not know anything of the report myself.

Mr. HARKNESS: I think Mr. Hoey can give you the details of it much better than I can. As far as I know it was made at the request of the Minister of the Department of Mines and Resources.

The CHAIRMAN: Was it at the request of the department or at the request of the House?

Mr. HOEY: As I understand it Mr. Justice Macdonald was selected by the former minister to undertake an investigation of conditions amongst the Indians in northern Alberta, and particularly band membership lists. I am not at all sure he was acting in a judicial capacity in the usual sense—

The CHAIRMAN: He was not appointed by the House.

Mr. HOEY: No, he was selected by the minister as an investigating officer.

Mr. BLACKMORE: A federal minister?

Mr. HOEY: The minister of the department.

The CHAIRMAN: A minister of the Crown, the minister in charge of the Department of Mines and Resources.

Mr. BLACKMORE: In Ottawa?

Mr. HOEY: It was Mr. Crerar, as a matter of fact.

The CHAIRMAN: Apparently in order to get information for the minister himself and for the department Mr. Justice Macdonald was appointed, I presume, as a fact finding commissioner to get certain information.

Mr. HOEY: That is right.

The CHAIRMAN: You say, Colonel Harkness, you have discussed it with the proper departmental officers and they have no objection to submitting it to this committee?

Mr. HARKNESS: Yes. I was on the telephone with Mr. Jackson just before this committee meeting. He said they had no objection to producing it.

The CHAIRMAN: I would think the matter would therefore be rather simple.

Mr. HARKNESS: I think so, too. I do not think there are any difficulties in the matter.

The CHAIRMAN: While it may be a purely privileged document I presume from what you are telling me there will be no objection to presenting it, although the matter is probably rather contentious. It should be referred to the sub-committee on treaty rights and obligations, or something of that nature. However, we will see what we can do about getting this report for the use of the Committee if that is your pleasure. Carried?

Carried.

Mr. CASTLEDEN: I should like to raise another question. Was there not a somewhat similar investigation made with regard to treaties?

Mr. HOEY: No.

Mr. CASTLEDEN: In his investigation did Judge Macdonald not do some survey work on treaties?

Mr. HARKNESS: I think his investigation was entirely on the matter of band membership. It arose as the result of treaties, but he was not investigating treaties. He was actually investigating which Indians should be in treaty and which should not.

Mr. CASTLEDEN: It occurs to me that some place I saw a somewhat similar report on treaties.

The CHAIRMAN: The answer is "no."

Mr. HOEY: Not that I know of.

The CHAIRMAN: If it is your pleasure we will now hear from Mr. Hoey.

Mr. HOEY: Mr. Chairman, it will take me only a moment. When Reverend Dr. Johnston, representing the Women's Missionary Society of the Presbyterian church in Canada, appeared before the committee a couple of members were anxious to know the enrolment at each of the schools operated by that society, and also the academic and professional qualifications of the principals and teachers in charge. At the Cecilia Jeffreys school at Kenora, Ontario, the authorized pupilage at this date is 145. The principal in charge is a fully qualified educationist, a university graduate with a first class Ontario certificate. There are three teachers at that school. One has professional standing; the other two have not. One is grade XI, no certificate, and the other grade IX, no certificate.

At Birtle, Manitoba, the authorized pupilage at this date is 115. The principal in charge, a returned soldier, has his academic and professional qualifica-

tions. There are three teachers all of whom have their professional qualifications. Two of them have first class certificates and one a second class certificate. That will keep the record straight on that.

The CHAIRMAN: Thank you very much.

Mr. CASE: You say "authorized pupilage". Can you tell us what the enrolment actually is?

Mr. HOEY: I would say that the enrolment would be practically the same. These are the figures for which they are actually getting the per capita grants. There was a time when they took in additional pupils, but I would be surprised if the actual enrolment exceeded the figures given at this date. I am practically sure it would not.

Mr. CASTLEDEN: Have you figures there for the number of pupils in each of the grades? I think that was also asked.

Mr. HOEY: No.

Mr. MACNICOL: May I ask Mr. Hoey how a grade XI scholar obtained the position of teacher in one of these schools?

Mr. HOEY: As you know there has been an acute shortage of teachers throughout the dominion. When the church authorities, or the department for that matter, cannot secure a fully qualified teacher, then they take the next best thing, which is usually a teacher with perhaps junior matriculation or grade X. Inasmuch as a great many of them have just graduated from school they do not make bad teachers, but we have not the necessary number of fully qualified teachers to go around. That is true provincially as well as in our department.

Mr. CASTLEDEN: All across Canada.

Mr. CASE: I think the condition is fairly general.

Mr. HOEY: I think the Presbyterian church is doing fairly well, having one school with all teachers in charge fully qualified.

The CHAIRMAN: Thank you very much, Mr. Hoey.

Gentlemen, we have this morning three witnesses, and we would like to complete the evidence of Dr. Andrew Moore who was the witness before the committee at the last meeting. We also have Colonel Neary and Colonel Jones here. We have also asked Mr. Charles Bland, Chairman of the Civil Service Commission to come this morning, and we were going to go into closed session for part of the meeting. Would you care to indicate at what time you desire to go into closed session? Would 12.30 be a suitable time? We would suspend our proceedings at 12.30 if we have not terminated the evidence of Colonel Jones or Colonel Neary and we would then go into closed session. Would that meet your convenience?

Carried.

Dr. Moore, would you care to come forward? There are some questions to be put to you in connection with the evidence submitted by you at the last meeting.

Andrew Moore, LL.B., Ph.D., recalled:

The WITNESS: Mr. Chairman, gentlemen: I think perhaps in the interim I found additional information to that which I put forward the other day which it would be in order to mention. I said, on one or two occasions, that during the transition period certain things should happen. I should like to make clear what I meant by that.

At the moment, there are Indians across Canada in various stages of cultural development. I would expect, in due course, they would become Canadian citizens. The transition period is between now and the time they do become Canadian citizens.

By Mr. Case:

Q. Are they not Canadian citizens now?—A. I do not know, sir, but I do not think so.

Q. I thought they were the original Canadians?

The CHAIRMAN: I think that matter could be well left to the legal committee, if we have one.

The WITNESS: The other point I desired to make was that, if you follow through with some of the recommendations I made at the last session, the government will have to spend money for a while—it will need to spend a lot of money, but it has always been part of my thinking in connection with that problem that the Indian, as he assumes more and more responsibility, will have to pay more and more of the shot. If he is going to be a Canadian citizen, he must have not only the rights and privileges but assume the duties and responsibilities of a Canadian citizen.

By Mr. Castleden:

Q. And the opportunities?—A. And the opportunities.

The CHAIRMAN: Are there any further questions you desire to ask Dr. Moore?

By Mr. Reid:

Q. Dr. Moore, all over Canada, and particularly I think amongst the Indian schools, there are schools vacant. There are at least 22 which have no teachers at all. I realize, of course, that does not pertain particularly to the Indian schools because in certain provinces there is a dearth of school teachers, particularly in the rural districts. Have you given any thought as to how that could be remedied? Is the salary the main factor or is it the social conditions of the life; is that also a factor?—A. I think, Mr. Chairman, in holding teachers there are three main factors. The first factor is security of tenure, the second is salary and probably the third is the social condition. I do not know whether I have them in the right order or not. To answer the question directly, I believe the new scale of salaries and the superannuation rights as well as the other securities which may come as the result of proper certification of the Indian school teacher will help meet that situation.

Q. Without entering into any argument as to the value of female or male teachers, do you find in your work there is a disposition on the part of the male section of our community to be not particularly interested in teaching due to the fact people, as a whole, look upon the school teacher as—I would not use the word “sissy”, but people are beginning to look upon the teaching profession as belonging to the women and that a man is not a man if he is a teacher. I think I am speaking of a fact when I say that. However, I am one of those who think our nation lacks a great deal by not having more male teachers. Our teaching profession has largely gone over to, and we are dependent now upon, the women. I think the nation is better, more virile, the more men teachers it has. We have drifted away and we are looking down our noses at men who engage in the teaching profession. I was wondering if you had given any thought to that or whether you had any suggestion to make as to how that might be changed or remedied?

The CHAIRMAN: Do you think, Mr. Reid, the question of remuneration might have something to do with that?

Mr. REID: It does when you come to the teachers in the higher grades, but even there, there is a drifting away, even where they are paid a reasonable salary.

The CHAIRMAN: What I meant was, do you think if there were sufficient remuneration offered it would attract male teachers?

Mr. REID: I am one of those who hold that, in a rural district, a man can probably stand up better to being alone than a woman. I may be wrong in that, and I am not, in any way deprecating the great work which has been done by women teachers. I am thinking as one who has lived out in those parts. I think the men can fit in better in this life with the Indian tribe than can a woman. I am wondering, Doctor, if anything could be done to bring about a better supply of male teachers who would go out to these parts.

The WITNESS: Mr. Chairman, I think Mr. Reid's observations are accurate. On the elementary level there are more female teachers. On the secondary level, there is a good proportion of male teachers. Since most of the teaching in the Indian schools is on the elementary level, most of it is being done by female teachers. I think the answer is to improve those three points I mentioned, salary, security and status. The new salary schedules which appeared in Colonel Neary's evidence before this committee ought to help in that direction, although I doubt if you will get many men in the elementary level for some time yet, the employment situation being what it is at the moment.

Mr. BLACKMORE: May we just review those salary levels in a general way?

The CHAIRMAN: If you refer to the minutes of evidence of the committee, Mr. Blackmore, on page 342 of the evidence—appendix DR—the teacher at an Indian school would receive, grade 1, \$1,000 to \$1,120; grade 2, \$1,200 to \$1,560; grade 3, \$1,260 to \$1,980; grade 4, \$1,500 to \$2,220.

By Mr. MacNicol:

Q. Those salaries would also include accommodation in many of the rural schools?—A. I think in most cases it does.

Colonel NEARY: There is accommodation for the teacher in practically every instance.

Mr. BLACKMORE: Is fuel, light and water supplied?

Mr. CASTLEDEN: Is that the same schedule as is used for residential school teachers?

Colonel NEARY: The answer is no. Those teachers are paid by the churches.

Mr. MACNICOL: What is the method of sending out supplies, maps and that sort of thing?

The CHAIRMAN: That will be answered by Colonel Neary. Dr. Moore is not a departmental official.

Are there any other questions you would care to direct to Dr. Moore.

By Hon. Mr. Stirling:

Q. I should like to ask Dr. Moore what is his view regarding the desire of the Indian for enfranchisement. A good deal of evidence was heard at the last session to the effect it was not a widespread desire. I have just seen the figures published showing that 460 have been enfranchised. Of course, that carries with it the leaving of the reserve, the disposing of their share in the reserve funds, the payment of taxes and entering into the ordinary life of a Canadian citizen which we say is the desirable end towards which we are working. Now, could Dr. Moore give us his opinion as to how widespread amongst the Indians is the desire for enfranchisement?—A. Mr. Chairman, I do not know. I think there will be a direct relationship between that desire and the spread of education amongst the Indians. At the moment, I do not know to what extent that desire exists among the adult Indian population.

By Mr. Castleden:

Q. Do you think the present training given to the Indians across Canada in the schools which you have visited—I should like you to take day schools and

residential schools—do you think that training effectively prepares the Indian for the life that he has to live when he leaves school? Another question, do you think enough of our Indian children are reaching, we will say, even grade 8 under the system we have?—A. On the first point, Mr. Chairman, I think it varies a great deal. In some schools they do a great deal of occupational work and in others relatively little. Down in the Arctic, for example, one or two schools are trying to give them some vocational activities. I would say in the schools in the Arctic, one of the things which should be taught is motor mechanics, for example. I felt, in the schools I visited, there was a trend towards that very definitely now. Within the past two or three years they have gotten out a whole set of awards and courses on the occupational side through the efforts of a departmental officer, Mr. Doucet. I think the tendency is more in that direction than ever before. There is an attempt to articulate the work being done in a particular school to suit a particular environment. There might be some objection to that. You must not make it so suitable to that environment that a child will never get out of that environment.

Q. On the other hand, you have cases where there may be a tendency to train the pupils at the school with modern equipment, electric stoves, electric washing machines and so on?—A. I did not see any of those.

Q. In some of the Indian residential schools, the girls are taught household science with modern equipment?—A. Some of the schools have such equipment in their own kitchen, but I do not know of any school where I saw any of that.

Q. Not anywhere in Canada?—A. I have not been in all the schools in Canada, but the schools in which I have been have not had electric stoves in operation, not the Indian residential schools.

By Mr. Matthews:

Q. Down in the Arctic, as you say, you probably would not find any teacher who could give instruction in motor mechanics. Are the teachers themselves qualified?—A. I think some of the teachers could do that or they could get some help from the people in the transportation work during the winter time. I think that is definitely a handicap.

Mr. MACNICOL: Is it not a fact that in the Arctic it is the Eskimo with whom you are dealing? The white people take their motor car or motor boat to the Eskimo for repair. I know when I was down there the Eskimo was able to take an engine apart and put it together again, whereas a white man would not know how to commence.

By Mr. Reid:

Q. Have you given any study to the attitude of the Indian pupil or child after leaving school towards, shall we say, further reading or study? In teaching children, the object in view is to have them learn to think for themselves so they will learn things after they leave school. After the Indian child leaves school, does he stop right there? He has not any inclination to read or study, has he?—A. My experience in that is fairly limited; I think some members will know more than I do. In Selkirk, for example, I do not think the Indian children are any worse than the white children, from observations I have made. Mr. Hoey's suggestion in connection with this research was that I might try to find out how much of the elementary three R's some Indian children knew five years after they left school. I have been trying to gather some tests for that purpose. If they do come through I think it might be a good idea to test some white people and see how they stack up five years after school. I do not think there is much difference there.

Mr. CASTLEDEN: The report of the residential schools from the department shows the total enrolment. This is for March 31, 1946. It shows a total enrol-

ment of 9,149, with an average attendance of 8,264. These are the various grades. You will find 1,030 in grade V; 705 in grade VI; 416 in grade VII; 228 in grade VIII and 78 in grade IX. The day schools record is about the same—probably not quite so good. With an average attendance of 6,691 you have 720 in grade V, 458 in grade VI, 270 in grade VII, 188 in grade VIII and 33 in grade IX. Do you think that record is ever going to meet the problem of making the Indian into a Canadian citizen, so that he can take his place in society?

The WITNESS: On the basis of those figures, Mr. Chairman, it looks distinctly like retardation in the elementary grades in both types of schools. In connection with that we have now in the Indian Affairs Branch the answers to a questionnaire on retardation. I think Mr. Castleden is familiar with this type of thing. The education branch of the Bureau of Statistics is now tabulating and analyzing those results. We will know very definitely then how they are going to stack up against the same types in the white schools. On the basis of the figures I have so far on page 340 of Minutes number 7, from which you quoted, I think there is distinctly retardation of the Indian elementary school grades.

Mr. CASTLEDEN: What do you think the remedy for that is?

The WITNESS: Well that is a large question as you know quite well. You would apply diagnostic and remedial measures to find out what the reason was and then you would try to correct it. In trying to find out what the reason was, or what the reasons were, you must take into consideration the fact that you are dealing with group education. These teachers have in front of them thirty or forty or fifty youngsters and when you take that many together you assume they have about the same mental ability; you assume they have about the same foundation; that they have about the same application, and that they have about the same home environment and many other things you may think of; but as a matter of fact they have not. Particularly is that true of the elementary grades in the Indian schools; and if you are going to remedy it you are going to have to find out what the causes are in each case and try to find a remedy. Give them more arithmetic, give them more addition if they need addition. Part of it is tied up with the fact that so many teachers are not qualified.

By Mr. Harkness:

Q. I have a couple of questions to ask on the last meeting, Dr. Moore. You said then that Indian education should be under one head. There should be the same curriculum across Canada and there should be the same standard kept and maintained by inspections and so forth. I think from the theoretical point of view that is highly desirable. However, taking into consideration the fact that Indians in different geographic parts of Canada are at greatly different levels of cultural development, my own opinion would be that the curriculum would need to be varied. In other words curricula which would be well adapted to the Six Nations at Brantford would have to be adjusted for the Indians around Slave Lake; and I just wondered what consideration you have given to that angle in your investigations and whether you have any recommendations that you could either make now or whether you would be prepared to submit to us something in written form later in regard to what I might call the levels of the curriculum which should be in operation.—A. I think, Mr. Chairman, the general recommendation that the curriculum should be in the hands of a central Ottawa authority and all across the country it would know what adaption each section should have better than individual provincial departments of education who are not particularly interested in Indian education. As a matter of fact they do not look at it as their responsibility at all. In trying to make out such a curriculum there should be a core of three R's which you would try to get

across to everybody with variations in the rate of acceleration and the specialty work in the occupational line according to the cultural development and environment of the Indians concerned. I think the Indian Affairs Branch which knows Indians can do that better than anyone else.

Q. Your idea is that everybody should not have the same curriculum but that it should be varied from area to area.—A. Yes.

Q. Now, another point. You put considerable stress as did Dr. Jenness, on the feeling of inferiority among the Indians as being one of the great difficulties in making them into what you might call Canadian citizens, bringing them up from their general cultural level to our way of life and so forth. Have you any definite suggestions as to how that feeling of inferiority might be done away with. Now, I am personally not convinced that feeling prevails among all Indians. Around the Blackfoot reserve, for example, east of Calgary at Gleichen, my observations would be to the contrary. I have gathered from talking to people who have been around there and who have rented land from these Indians for many many years—I know two or three old ranchers who have been there since 1880 something—that their opinion is that the Indians on that reservation have no inferiority complex, it is just the opposite. They look upon themselves as being very much superior to the other Indians in the country and also look upon themselves as superior to white men. In other words you have in them a superiority feeling rather than an inferiority feeling. However I have not been able to observe that the feeling of superiority which does exist amongst those Indians has had very much influence as far as making their educational development better than that of other Indians.—A. In my general remarks on that point, Mr. Chairman, I was thinking in averages across the country, but I think that is perhaps a dangerous thing to do because you will always find exceptions in different degrees; but I still feel that is true if you think of the whole mass of Indians.

Q. I think it is, but I was wondering if you had any definite ideas on how it might be improved.—A. I think in actual curricular work they should know a great deal more about their own background. The Indians, when the white man came, were upstanding and courageous individuals with plenty of confidence, and they should be brought back to that state. Then I feel too that we have to educate the whites quite a bit. There is a combination of the superiority and inferiority complex involved there and both are concerned. One reason perhaps the tribe to which you refer has such a high standard may be because it is one of the best fixed financially.

Q. They were also the boss Indians in all that part of the country before the white man came.—A. As long as they are entrenched in that position they have that feeling. But amongst the whites in other parts of the dominion they will run into this superiority complex which the whites have, and that is creating a problem. I believe that is being worked on in some of the curricula being prepared by the Indian Affairs Branch. I have been working very closely with Colonel Neary's office.

Q. What you have said is this: the white man looks upon the Indian as being inferior?—A. I think that is about fifty-fifty, but I think it is more difficult to correct it on the white man's side. When speaking of assimilation, assimilation will be a gradual thing. The time has not come when one would want his daughter to marry an Indian, but it may, and that is just as difficult a problem as the other one. That is being thought out now in the curriculum work of the Indian Affairs Branch. I would like to state now how much I have appreciated the co-operation I have had from that office. They are trying to get at some of these points with respect to Indians that you mention. You may recall that in my remarks the other day I mentioned one or two things we might try to get the white people to understand by having a collegiate, for example, adopt an Indian school and get the children working together.

Q. Yes, I think that is an excellent suggestion.

By Mr. Farquhar:

Q. Dr. Moore, I would like to ask a question or two. Speaking of the industrial schools, I understand that there is a farm in connection with most of the industrial schools where farm instruction is given, is that not right?—A. You are using the term industrial school as used under the Indian Act, but the general terminology is now residential school.

Q. Residential school?—A. Yes. I have not seen all of the schools, just a cross section, and not a very big cross section at that; but they do have farms in connection with them, or some agricultural activities, sometimes their own, sometimes rented.

Q. In these schools do you find that the teachers are qualified farm instructors?—A. I do not know what a qualified farm instructor is, Mr. Farquhar; very few of them are graduates of an agricultural college. I do not know that I have encountered any, but I have encountered some who perhaps were excellent farmers, who in fact ran good farms.

Q. Do you think it is important that teachers at Indian schools should have some knowledge of farm work?—A. Yes. A lot of them have had training but do not know how to teach it.

Q. Did you say "do not know how to teach it"?—A. Yes. A very practical approach is required in teaching such a subject.

Q. That is what I mean.—A. That would improve the efficiency of the work.

Q. What I was wondering was, if these teachers haven't this knowledge, just what are they employed at when they are not helping the people there on the farms?—A. I think on the whole they are employed at the usual chores around a farm.

Q. The teachers are?—A. No, the pupils.

Q. I am talking about the teachers.—A. In the residential schools you will have two or three or four teachers who are definitely on the academic side and then you will have a farm instructor or a farm manager who is looking after the pupils after they get out of the classrooms. As I have seen the general organization in Grades I to IV or thereabouts, the pupils in those classrooms in the residential schools are in the classroom just as long as similar pupils would be in classrooms in a white school. They are not out of the classroom very much. Then, in the upper half of the elementary school, those pupils are out about half time working in the garden, and in the case of the girls—

Q. You mean the older pupils?—A. The older pupils, yes; the upper half of the grades, grades IV to VIII roughly.

Q. I gather from what you say that the pupils of these residential schools receive just as good an education as they would in a white school. I was wondering if that is true; if the younger pupils who are too young to take technical training or instruction in farm work—A. I really haven't enough of this data organized to interpret, or to try to answer the question as to whether the instruction is as good in the one as in the other. The point I tried to make was that the pupils in the residential schools are exposed to academic instruction just about as long as the pupils in the day schools when you have regard for the percentages of attendance. I may say that I have been going on last year's percentage of attendance, the figures you quoted to me the other day as from 1946. There was a little lower attendance in the day schools a year ago. I think, perhaps, the family allowance is bringing it up. My feeling is that as far as the time element is concerned in the residential schools as compared with the day schools the pupils are receiving about the same amount of instructional time because in the residential schools they also, as a rule, have supervised study in the evenings for a while.

Q. That is true of the junior pupils as well, isn't it?—A. Not to so great a degree. These senior pupils are usually taking up a subject with respect to which you can give more supervised instruction in the evening, and the higher they get in the schools the more they need.

Mr. REID: Mr. Chairman, I wonder if I might ask Dr. Moore another question?

The CHAIRMAN: Yes, if there are no more questions to be asked by the members on my right. I was trying to give all members an equal chance, going around the table clockwise.

By Mr. Blackmore:

Q. I was very much interested in the comments made by Dr. Moore, Mr. Chairman, in respect to having the education of the Indians under the supervision of Ottawa. I wonder if it would not be a matter worthy of some study. He suggests that the various provinces be asked to assume a greater and greater degree of responsibility of administering Indian education. This matter, I think, and this is my own judgment, is essentially one of provincial responsibility. For instance, I think that the Department of Education of the province of British Columbia would be in a far better position to follow rather intimately the needs of the various Indian groups in British Columbia, more so than would be officials in Ottawa. The same would apply to all provinces throughout the dominion. Then you have this matter of inspection. It looks to me as though if the dominion were going to take over this function they would be entering big business; they would have to gather up a corps of highly trained, competent educational officials, similar to that which is to be found in most of the provinces. It would mean a duplication of work which might not prove to be advisable. I was wondering if Dr. Moore had given that aspect of the question any thought—as to the possibilities.—A. Mr. Chairman, it seems to me that there are two points which stand out in the matter raised by Mr. Blackmore. First is the matter of duplication. I do not think there will be duplication because the inspection officials and the departmental officials—speaking about our own provincial department, or from our own standpoint; and I can speak only of our own department because I am not qualified to speak for other departments—our inspection officials are loaded to the roof without any extra time for Indian schools, as a rule; and they are just handed to them. The department itself is not organized or not interested in Indian schools. It seems to me that the Indian Affairs people would know more about the Indian schools than anyone in our department.

I would like to pick up the other thought, that if you have Indian education under Ottawa it should be decentralized in administration as much as possible. There is a tendency among the departmental people down here to keep a great deal of authority in their own hands. That is one of the things I ran into down in the Arctic—to have the last say so. I would, along with my recommendations that Indian education should be run from the Indian Affairs branch, again suggest that I think it should be decentralized as to administration as largely as possible.

Q. Mr. Chairman, I wonder with respect to that point of decentralization of administration raised by Dr. Moore whether or not the officials administering the educational policy in Ottawa should not also be administering the educational policies of the provinces concerned. Those people would be much more apt to fit in, might they not? I am thinking now of the reserves with which I am particularly familiar. For instance, let us consider the Indians on the Blood Indian reserve. The Indian child needs to know very much the same as the white child in the adjacent territory needs to know. And I would think that the Indian in the Mission area would need to know very much the same thing as the white man would need to know in that area. Our departments of education are working more and more on the problem of making the work better for white day schools. It ought to be a logical conclusion that they would do the same in making education available for Indians. That is one of the thoughts which is in my mind.—A. My answer to that is that when I suggested that the

whole thing should be under the Indian Affairs branch it was again part of my thinking in connection with the period of transition. I think that once the Indians get to the stage where they can function as Canadian citizens, that then they should go on the provincial standard of education; and in some places you could almost put them on it right away perhaps but in other places you can't; but during this transition period I think the Indian Affairs branch should handle the matter.

Q. I was just wondering, Mr. Chairman, and I do not want to take up too much of Dr. Moore's attention; but I am deeply interested in this, having spent my life in education—

The CHAIRMAN: Just part of your life, you mean.

Mr. BLACKMORE: Well, in a larger way, maybe. I was just wondering if the matter of inspection is not a question of staff; whether in Ontario, for example, if you added one, two or three more inspectors to your staff you would not be able to take care of your schools. I think we have had something like that happen in my district. I always thought that probably the general idea could be expanded so as to bring the schools directly under the supervision of the provincial inspectors, at the same time not losing contact with the supervision of Ottawa. My idea would not be that Ottawa should drop out of the picture, but that they should confer more and more responsibilities on the provinces. After all, education is a provincial responsibility and the Canadian government might reasonably ask the provinces to assume a larger share of that responsibility. I do not think there would be anything to interfere with that. I was just wondering whether that was worthy of consideration.

The WITNESS: It seems to me that dominion-provincial relationships would have to be worked out. I do feel that during the transition period Indian education should be in the hands of the Indian Affairs branch who are making a specialty of it. If you had the additional inspectors, whom you mentioned appointed to provincial staffs they would still have no particular guidance from provincial headquarters. Their reports would just go into the file, very large as they do now. It is not enough just to have inspection, that has to be articulated with the whole administrative system. Whether the provincial departments would want to set up that machinery or not, I do not know; but I still think in this transitional stage that the whole thing could be co-ordinated through one central spot; and when you have come to the end of that transition stage it would, perhaps, be a matter for consideration. My thought was that once Indians assumed citizenship Indian Affairs would be done with them, and that way you might get the provincial department in on it sooner. Whether it would work out that way or not, I do not know.

By Mr. Blackmore:

Q. As an illustration of how large the problem is becoming, especially in Alberta; Alberta has already passed an Act, if I am correctly informed, dealing with the Metis in northern Alberta. They were obliged to pass this Act because they were having the problem forcibly brought to their attention; it was the problem and one of which they had to take care. They have gone into the field with determination to make the thing a real success, and as far as I have been able to gather they have had great success in their efforts. Manitoba I understand is in a somewhat similar position. I am not sure whether they passed the Act or not, but there is a large area in northern Manitoba where they are developing the fur industry. That, again, is a good illustration of the sort of thing which I think is a matter of provincial concern—the development of the Indians as fur catchers, trappers. Would it not just be natural for the province of Manitoba to take over a thing of that kind?—A. I referred to both of those developments, but those are more of an economic undertaking rather than

community life side than on the educational side, except where education fits into it. Of course, in the schools the questions of education and health are closely entwined, and the health of the Indian is run from Ottawa too. I think that those things on a provincial basis are fine, but so far as education is concerned you co-ordinate and articulate it better if it is all under one organization across the country, adapted to circumstances. My own feeling is that the time to make the break and have the change from Indian Affairs educational control to that of provincial control, would be when the Indian becomes a Canadian citizen.

Q. If you will bear with me for one more point, Mr. Chairman, may I say I am not dealing entirely with education; this question has to do with the development of confidence in the Indian. I am just wondering if the Indian's confidence in himself, his self-respect, is not very largely a matter of his financial standing—an economic matter. It is my opinion—perhaps I should say it has been my observation—that boys who are sons of Indians who own several thousand dollars worth of property and are recognized as owners will not have very much difficulty socially. I find that some of the girls find themselves quite attracted to such boys, but the poor chap who is born in a home where the family cannot get even a plow has very little chance, and has very little respect for himself. I rather fancy if we can solve the economic problem of the Indian we will solve the problem of his self-respect, this inferiority and superiority complex question.

Mr. HARKNESS: Your observation as to the Blood reservation is something the same as I indicated on the Blackfoot reserve. The Indians there, particularly those who are in reasonable circumstances, have no inferiority complex.

Mr. BLACKMORE: They have no trouble. They can drive into town in a very fine car and people know that behind that car there is one of the finest houses in that area of the province. They do not have very much difficulty socially.

By Mr. Reid:

Q. Dr. Moore, has any study been made with regard to teaching and the progress of the pupils in classrooms where the sexes are mixed as against classrooms where the sexes are segregated? The reason I ask that is that first of all I am greatly interested in the change that has taken place in the Soviet where I understand they have segregated the sexes. They maintain, rightly or wrongly, that there is a physical difference as between the boy and the girl, and that at a certain period early in life the girl makes greater progress in her studies than the boy does. Then later on, from 13 to 14 on, the boy begins to pull away from the girl. As a nation they have discarded the mixing of the boys and the girls in one classroom and have segregated them.

During my travels last fall I noted classrooms where there were all Indian girls and classrooms where there were boys and girls, and speaking as a layman I thought that in the residential schools, where they segregated the sexes, they were really smarter from an educational point of view. Have any studies or examinations been made into that matter?—A. I do not know of any scientific study on it, but the practice is very widespread. You have it all over the British Isles. I inspect schools in St. Boniface and Winnipeg where all girls are in one school and all boys in another. You have opened a very wide question with arguments on both sides. I do not know of any scientific study on it.

By Mr. Castleden:

Q. In talking with people who have been engaged in educational work amongst the Indians they all bring forward this problem. They say that one of the difficult periods is after the Indian leaves school until the time he has a

home for himself. The Indian feels that he is sort of in between two worlds. Their own homes may have certain objectionable features perhaps because of economic conditions, and they are not trained to take their place in the white community. They are not able to go into a garage or start working along with other people. I was wondering whether you had in your recommendation anything as to early diagnosis of their capacity to follow one particular line or another, as a part of the training of the Indian, and then give them vocational guidance in that field so that when they leave school they are then prepared to fit into some place in society as it exists. Those who have been working with the Indians tell me they find a great deal is lost of the little training they do get, in that later period, there seems to be no future place for them. That is where they feel they are misfits. It seems to me that in the problem of reclaiming the Indian we have to do some work along that line. I believe we are going to have to have specialized training of teachers to do that work among the Indians. Taking what Dr. Jenness says about these people having developed warped mentalities and becoming world outcasts we have got to be prepared to do a specialized job in the work of reclamation. What is your opinion on that?—A. I think vocational guidance, and educational guidance is general more than just vocational guidance, is perhaps more needed with the Indian children than with the white. The supply of trained personnel for doing that, even among the whites, is very limited. In order to do that job properly there must be assembled a comprehensive assessment of the pupil plus a comprehensive assessment of the occupations or professions concerned, and then leave the pupil to bring the two together as far as he is concerned. In the large city schools such as Kelvin or Daniel McIntyre which I inspect they have this going on all the time, but in the smaller schools such as in a town like Carmarthen they have not got that even among the whites. I would expect the Indian Affairs education branch to be taking that as one of the essential things for carrying out the wider development of education among the Indians.

Q. We are going to need to spend money to attract people with those qualifications into the training field?—A. Yes, but in due course the Indians themselves should have to put up some of that money as they develop. The handout business cannot go on forever.

Q. I agree with you.

By Mr. MacNicol:

Q. Before Dr. Moore finishes I should like to take him back to where I commenced, in reference to motor boat training, and particularly the engine part of it. I have travelled a great deal with Indians in remote areas. I was thinking a few moments ago of one time I started across a lake called Mogok lake, south of the Albany river. It is a lake 10 miles wide. We had just nice started when the engine stopped. The engineer could do nothing with it. We paddled the balance of the way. I have often wondered since if the department could not in some way train these young Indian guides, because guiding plays an important part in their future. It is an avocation for them, as you know, and all across Canada that avocation is increasing and will continue to increase. People from the United States and others who travel in those remote areas and have to have Indian guides will be much better satisfied if they know that when they hire these Indians they can make the engine go and stop. Is there not some plan that could be followed whereby prospective Indian guides could be sent away to some central school, in the winter time and trained to fix engines, and in other matters pertaining to guiding, such as first aid in case a man might break his leg, or something of that nature? I nearly broke my leg on the Ogish river. I had only two Indians with me. If it had been broken I would have been in a very serious position, but if the Indians had known how to splint

a leg together and put it in splints it would not have been too bad. So many of these Indians are going to be guides in northern Ontario, along the Abitibi river, the Albany river, the English river, and so on, in these remote areas, and I think it would be to their advantage if there were some place where they could be fully trained. I do not know how it can be done, but it would be worth while. The Indian agents in that part of the country would be able to select those who would be fitted for that kind of work. Is there any suggestion you can make along that line, as to such training of guides?—A. I believe a great deal of that sort of thing could be done in the way of short courses similar to what some of the agricultural college authorities run. As I mentioned at the last meeting the Indian does not have to be able to read and write to learn a great deal of that sort of thing although if he can also pick up some of the reading and writing it is all to the good, too, but again money must be spent to pay for such things.

Mr. BRYCE: I might say, with regard to what Mr. MacNicol has said, I do know of Indians who have come from the north, have taken these classes in connection with machines and made a real success of it.

The WITNESS: There are some of those.

The CHAIRMAN: Do you think those Indian motorboat drivers on Lennox Island were a success in that regard?

Mr. BRYCE: You got them all excited. They thought you were somebody and they forgot to pull the switch, that is all.

Mr. MACNICOL: I think there is an opportunity there for the department to do a great deal in connection with that one branch of Indian training.

The WITNESS: In that connection there is a very brief item of information which I might pass on to you. When I was down in the Arctic, I encountered quite a number of old-timers who thought the residential schools were not too good. One trapper told me the girl graduates were all right. If he ever got stuck in an Indian community he always looked up a home where the girls had been to residential school. They spoke very well. However, some of them had the opinion that the boy product of these schools, when he got to be a man, was not so good. Therefore, I put that question up to the principals of the schools as I went along. Their answer was, "Yes, some of them go wrong and they hit the headlines, but we have ten good ones for each one who goes wrong." I said, "Will you produce a list of those?" In my report to the Indian Affairs Branch, you will find on that list men who made good as guides with the transportation people, interpreters for the Mounties and so on.

By Mr. MacNicol:

Q. Who gives the Indians the badge to wear as a guide?—A. I do not know.

Mr. CASTLEDEN: If we ever hope to put the Indian in a position to contribute more to his own training, I think we will have to make him independent. We do not want to train the Indian to the point where he is always in the position of an employee. We ought to put him in a position where he can develop himself and develop his own opportunities for his own good.

The CHAIRMAN: We appreciate your coming here, Dr. Moore. I know you have come a long distance. We have profited very much from the evidence you have given. It has been very helpful to this committee. I should like to express on behalf of this committee, our sincere appreciation.

There are two observations I should like to make before we go into closed session. The first one is that I should like to continue the practice of permitting the members of the committee to ask questions in some semblance of order. In other words, we will either decide to go clockwise or counter-clockwise around the committee table.

However, there is another observation I should like to make and that is I have noticed a tendency on the part of the members of the committee to make statements when we have a witness before us. I should like to ask your cooperation in confining your questions directly to interrogations which can be answered by the witness before us, rather than making prolonged statements on subjects which could be taken up when the witness is not available. I ask the cooperation of the committee in that regard.

If it is your pleasure, we will now meet in camera.

The committee went into closed session at 12.30 p.m.

THE SENATE

April 18, 1947.

The Special Joint Committee of the Senate and the House of Commons, appointed to examine and consider the Indian Act, met this day at 11.00 a.m. Mr. D. F. Brown, M.P. (Joint Chairman), presided.

The CHAIRMAN: Gentlemen, will you please come to order. You will recall when Mr. Bryce presented his report there were some things he said he would like to add to it. If it is your pleasure, he now has a short addition to make to his brief. He has a number of photographs mounted which he would like to present to this committee for use during its deliberations. These photographs show the progress and development at Norway House and Cross Lake. If it is your pleasure we will now hear Mr. Bryce.

Carried.

Mr. BRYCE: Mr. Chairman and fellow members: I shall take only three or four minutes of your time this morning. As most of you know, since I came to the House in 1943, I have been one of the most severe critics of the Indian Affairs Branch. I have said some hard things. When I said those things I felt justified in saying them because I felt the department of which that branch is a part was wrong.

One of the things about which I talked early in my campaign for the Indians was the deplorable condition of the old people at Norway House and Cross Lake. There were some of them living in houses which were no better than pig pens and there was nothing those poor Indian people could do about it. The Indian agent at that time either could not do anything or was handicapped by the department. In rising today, I rise to take my hat off to the Indian Affairs Branch and to congratulate the Branch on what has been done to correct those deplorable conditions which I drew to their attention.

Since I came to the House of Commons I have made four different trips to the north country. In my brief to this committee I said I had seen some improvement since the family allowances have been paid. I think the family allowances caused an improvement in the living conditions of the children and the mothers. They are helping themselves now. The women are forming home-makers' clubs and everything is looking so much more hopeful than formerly. I do not want to praise the Indian Affairs Branch too much in case the department stops the good work, but I want to put on record this morning the fact that the Branch has done some of the things I wanted done.

I am going to give you these photographs, Mr. Chairman, and I hope you will see your way clear to passing them around to the other members of the committee, while the committee is at work, so the members can see them. The first photograph shows the logs going to the Norway House sawmill—logs of

the reserve—to be made into lumber and shingles to build these houses for the old folks who could not provide homes for themselves. I want you to be quite clear in this: There are none of these houses built for anyone who is able to work for himself. These are built for the people who are dependent upon the government for support. By bringing these people together in these six or eight houses, they are brought close to the store, close to water and the agent. The agent is a new man, Mr. Goodman, by name. I had the opportunity of meeting him at different times and I was greatly impressed by him. He is a man who has had Indian experience. He was an air force officer. I think if the Branch would continue to choose men of the calibre of this man it would do a great deal to correct some of the complaints of the Indians.

The second photograph will show you the construction which took place at Norway House. The houses are 16 feet by 18 feet, divided into two rooms.

The next photograph shows you a close up view of the houses. They are of log construction such as a homesteader builds. You will see Peter Walker in the foreground. He is a councillor at Norway House and supervised the construction, under the guidance of the agent.

The next photograph shows you the No. 1 Homemakers Club. Now, the women of this club raised the money to build these houses without any governmental assistance whatever. This illustrates what they can do when they receive proper encouragement.

The next photograph shows you a house. You will see there are no doors. Any of you gentlemen who have constructed a log house know you cut out the door last, before you put in the jamb. I see Mr. Little smiling, but I know he has often constructed that type of building. The photograph may appear a little strange to you folk when you look at it since there are no doors, but you will realize the door is practically the last thing constructed.

The next photograph is another close up view of a house. There is a little difference in the size of the dwellings at Cross Lake. These dwellings are 16 feet by 20 feet which makes two rooms 10 feet by sixteen. I think that is all I have to say, Mr. Chairman.

The CHAIRMAN: There is one point in connection with that, Mr. Bryce, you referred to the No. 1 Homemakers Club.

Mr. BRYCE: I may say there is also a No. 2 Homemakers Club.

The CHAIRMAN: In other words, there are two different homemakers clubs?

Mr. BRYCE: Yes, at Cross Lake, you will see, to the right, a building which is used by the club. They have some really progressive people there. I visited them last fall.

The CHAIRMAN: Could you tell us some more about these homemakers' clubs and how they are operating?

Mr. BRYCE: The work they have done is rather surprising. They secured from the army clothing which was all ripped up and then dyed and made into clothes for the children going to school. I understand one lady has been giving them instruction on the care of babies. They are really quite modern in their outlook and way of life. I think a lot of credit for this can be given to the new agent. He has a tremendous territory to cover, his reserves are so far apart. I think he is doing a good job. I want to say to the branch I am delighted they were able to cooperate with this agent in building these houses for the old people. I will give you this file of photographs, Mr. Chairman, and I hope you will be good enough to show it around.

The CHAIRMAN: Thank you very much, Mr. Bryce, we appreciate what you have done.

Mr. MACNICOL: You did not happen to mention the churches which are in control in that part of the country. They have been there since about 1830.

I think it was one of the earliest missions established in Canada. The churches, and their women of course, have, all down through the years, been doing their best to raise the standard of the Indian women. Did you not find they had done good work?

Mr. BRYCE: Yes, I think I mentioned that in my original brief. Both the United Church and the Roman Catholic Church have performed a wonderful service up there. The display which was put on by the sisters when I was there showed really wonderful work. At Norway House, the United Church and Roman Catholic missions are both doing splendid work amongst the Indian people. I do not want you to smile, but I did go to church at Norway House and I have never seen anywhere a better church attendance. Some of us could take a leaf out of the Indian's book.

Mr. MACNICOL: Was that right at Norway House?

Mr. BRYCE: Yes.

Mr. MACNICOL: That would be the United Church, then?

Mr. BRYCE: Yes.

Mr. MACNICOL: Is the Roman Catholic organization there?

Mr. BRYCE: It is down the river, near the crooked turn.

Mr. RICHARD: What do the Indians say about the co-operation they receive from the branch? Have they anything to say about that? Do the Indians claim they are not getting co-operation from the department?

Mr. BRYCE: The complaint once was that they were not getting co-operation from Ottawa. However, since this new agent has been appointed everything is different. The branch is now providing for old Indian folks, and is taking an active part in doing the work in connection with the building of these houses to take care of the aged people. I understand they intend to try and get eight of these buildings in a semi-circle, then appoint an elderly lady or widow to look after and keep clean those people who cannot do that for themselves.

Hon. Mr. STIRLING: In one of these photographs the women of the home-makers' club at Cross Lake are shown and Mr. Bryce said they raised the money and built this house without any assistance. Does that mean that all the money was given by the Indians?

Mr. BRYCE: Yes, it was given by the band of Indian people in that community.

The CHAIRMAN: If there is nothing more to be said we will now go into a closed session.

At 11.20 a.m. the committee continued in camera.

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APPENDIX EC

FORESTRY ON INDIAN LANDS

January, 1947

For: the Joint Committee on The Indian Act, House of Commons, Ottawa.
By: C. D. Schultz, Consulting Forester, 475 Howe Street, Vancouver, B.C.

A Royal Commission on forestry in British Columbia has recently handed down recommendations to the Provincial Government. As a result the Government is formulating legislation that will require the practice of sustained yield management on Crown lands. To keep pace, larger timber land owners are organizing their holdings on a sustained yield basis. Indian lands constitute one of the largest land areas of one tenure in the Province. It therefore appears advantageous that consideration be given the possibility of instituting revisions of regulations governing such lands to allow for forest management.

Sustained yield management offers a means of sustaining a perpetual revenue in annual stumpage returns from those reserves that contain forest land. Management also requires a relatively constant amount of money to be spent each year for logging. This results in further revenue to the Indians from employment. Conservation of game, fur bearing animals and fishing streams accruing from managed forestry is of further value to the Indians.

The following report outlines the present system of administering timber cutting on reserves, the major obstacles to forest management and recommends certain policy and legislative changes that may be necessary to place Indian forest lands under sustained yield management.

C. D. SCHULTZ,
Consulting Forester.

Indian Forest Land:

In British Columbia the total area of Indian land amounts to 837,725 acres. Of this 500,197 acres or 60 per cent is classed as "uncleaned and uncultivated" according to the latest issue of the Canada Year Book. No information is available as to the amount of land most suitable for growing timber. A conservative estimate would be one half of that classified as "uncleaned and uncultivated", or 250,000 acres. This acreage is located in many small parcels mixed with similar private and publicly owned timbered areas.

Value of Indian Forest Lands:

Of this 250,000 acres at least fifty per cent or 125,000 acres should be productive forest land capable of maintaining a sustained supply of forest products. Located usually on the valley bottoms, the reserves contain mainly hardwood types that run ten thousand feet per acre or less. Considering one half the area as mature timber and the remaining half as immature timber, and using a conservative mature timber average of five thousand feet per acre, there is an indicated merchantable volume of 312,500,000 feet. This is worth well over a million dollars under present conditions in stumpage values alone.

Under management the 125,000 acres of productive forest land should yield around 300 feet per acre per year, or a total annual growth of 37,500,000 feet. At \$4.00 per thousand which is close to the present average stumpage value the forest land should return at least \$150,000 annually.

Considering 500 feet as the output per man day in logging and \$9.00 as the average wage, the regulated annual cut of 37,500,000 feet should produce \$675,000 per year in wages.

Under management the volume cut annually is regulated to equal that of the annual growth. The total estimated annual revenue from Indian forest land in stumpage values and wages under regulation for perpetual income results as follows:

Annual returns from sale of stumpage	\$150,000.00
Annual returns from wages in logging	675,000.00
Total	<u>\$825,000.00</u>

This direct benefit in revenue to the Indians is only one advantage. Management on sustained yield principles will maintain the land values and preserve the balance of nature. This in turn will assist in conserving fish, game and fur bearing animals. Logging can be managed to take place in seasons when Indians are not engaged in farming, fishing, berry or hop picking. In this way planned forest management can be an important factor in providing stabilized and year round employment for the Indians.

Present Method of Timber Disposal on Indian Land:

Timber on Indian lands has been handled to date on a liquidation basis. Trees are cut without regard for preservation of young growth, the reestablishment of seedlings or the maintenance of land values. Indian timber is therefore treated as a wasting asset rather than one that can be managed to yield a continual revenue.

Timber is disposed of on a permit system. Individual Indians are granted a licence to cut specified amounts from a generalized area of a reserve. A time limit of twelve months is set on all timber sales according to Section 77 of the Indian Act. These permits are issued by the Indian Agent who first must obtain the approval of the Indian band that controls the respective timbered reserve.

The permit does not specify tree sizes to be cut, minimum top diameter of logs, method of logging or treatment of immature timber. As a result the permit holder usually high-grades the stand. The high value logs are removed, leaving the remainder on the ground to deteriorate.

Some areas have been greatly overcut, others partly logged. The more difficult areas are usually left to become economically inaccessible after operations are withdrawn. The overcut areas have become barren or unproductive land. Often the partially cut stands have been opened up to such an extent that decay and windthrow destroy the remaining trees. Cases exist where more timber has been destroyed or left to rot than has been logged.

A typical example of the adverse effects of permit cutting is found on Squamish Indian Reserve Number 11. This reserve was examined and reported on by R. C. Telford, Assistant Forester, British Columbia Forest Service, at the request of the Department of Indian Affairs. The report shows the waste of timber and condemns the permit system of administration. It indicates that this method of sale has encouraged poor forestry practices, and has provided for a lower financial return each year than would result under sustained yield management.

Major Obstacles to Forest Management:

Revision of the permit system would still leave obstructions to the operation of sustained yield forest management of Indian forests. There remain five major barriers as follows:—

1. There is no land classification or forest inventory data available. With no information on area and amount and location of mature and immature timber, it is impossible to formulate a management program or accurately analyse potential revenue.
2. Indian lands are scattered over a wide area. Individual reserves vary from a few to several thousand acres. In most instances individual reserves are too small by themselves to be managed as sustained yield units.
3. Reservations are owned by a large number of tribes or bands. Adoption of a unified policy of management would require the consent of the Indians concerned. This necessitates educational work to give the Indians an appreciation of the value of forestry in order that they may agree to a revision of their forest policy.
4. No means is available at present for long range agreement between Indians and private and public owners which would permit the small areas of Indian forests to share in a co-operative forest management unit. Some progress along these lines has been made in the United States where recommendations have been formulated for legislation to allow co-operation between Indians, Federal and State Agencies and private individuals. (Forestry on Indian Lands, United States Department of the Interior, 1940).
5. Section 77 of the Indian Act specifically limits all cutting to a twelve month period. This makes it difficult to introduce proper cutting practices and allocate the necessary area and volume to be cut under management.

Recommendations:

The following recommendations are suggested as a means of instituting better forest practice on Indian lands. Some of these require policy changes, others agreement with the Indians and, according to interpretation, minor changes may be required in the Indian Act:

1. That a forest survey be made of all Indian lands.
2. That lands found to be most suitable for the production of timber be managed on a sustained yield basis.
3. That the matter of land tenure by individual Indians or bands be clarified so that some measure of unified control can be organized for the forested areas.
4. That educational work be carried out among the Indians to acquaint them with the value of managed forestry. This appears to be of particular importance since the Indians themselves must give approval to allowing their lands to be managed on a sustained yield basis.
5. That means be established to allow Indian lands to be incorporated with other private and public forest lands to form a co-operative block large enough to warrant management as a sustained yield working unit.
6. That the Indian Department engage qualified foresters to administer their forest lands and supervise co-operative agreement.

APPENDIX ED

FORT PROVIDENCE, N.W.T.

FORT PROVIDENCE, N.W.T.,
December, 1946.

In their meeting of December 26, 1946, the Indians of the district of Fort Providence have expressed their common desires on the herebelow matters:—

1. *Treaty Rights and Obligations.*

It is our desire that these rights and obligations of the Federal Government towards the Indians be, at all times, respected and fulfilled.

2. *Band Membership.*

We believe that all the Indian Bands should have the right to accept into their membership, upon a favourable vote, any child or person with Indian blood.

3. *Liability of Indians to Pay Taxes.*

Indians up to the present time have been exempt from real taxes for any property owned by them on Indian Reserves; but we believe that this exemption should include all other taxes ordinarily paid by Canadian citizens, outside of the real estate tax on property owned by them but not situated on Indian Reserves.

4. *Enfranchisement of Indians Both Voluntary and Involuntary.*

The enfranchisement of Indians must be left entirely to the personal desire of each Indian and no compulsion of any kind must be exercised by the Federal authorities in this respect.

5. *Eligibility of Indians to Vote at Dominion Elections.*

This is a matter on which there is considerable difference of opinion among Indians all over in Canada. For our part, we don't care for the right to vote at any election and will only do so if that right is granted to us without any of our present privileges being taken away from us.

6. *The Encroachment of White Persons on Indian Reserves.*

We believe that Indian Reserves are strictly the property of Indian Bands and no white person should be tolerated on any of them. The Department of Indian Affairs should also expell immediately all white persons who have homes on Indian Reserves and who are conducting business thereon.

7. *The Operation of Indian Day and Residential Schools.*

The present system of education, approved by the Dominion Government and set up by the Indian Affairs Branch is satisfactory to us and no change whatever is either desired or will be accepted by us. The Indian day and residential schools' system has given satisfaction but must be improved by the building of new schools, whether day or residential, in such parts of our reserves as are not provided with them. All teachers in Indian schools should have normal school training and their salaries should be paid by the Indian Affairs Branch. Moreover they should be members of the Civil Service Association and be entitled to all the privileges which are given to its members. As far as residential schools are concerned, the per capita grant should be set on a cost plus basis which could easily be established by an independent commission of officials of the Branch of Indian Affairs.

8. Hospitalization for Indians.

The problem of hospitalization for the Indians of Canada should be studied very carefully by the members of the Committee. The tendency at the present time is to establish large hospitals near important civic centers. We are opposed to this system. We believe that the hospitals should be as they are for the white population, as close as possible to the families of those that are sick, so they can be visited by their parents, brothers and sisters. Exceptions for this might be admitted when it is necessary to have recourse to special surgical treatment; but all ordinary cases of sickness should be hospitalized in hospitals built on our Reserves or as close as possible to them. Moreover we believe in Christian hospitalization and whenever Religious can be found to take charge of these institutions, they should be placed under their care and all nurses should be registered. Furthermore all Indians should have the liberty of choice of the hospital in which they will be hospitalized. Placing Indians, as it is done at the present time, in hospitals that are hundreds of miles away from their home, without their being consulted and without their having the right to choose the institution to which they will be sent, is certainly contrary to all our principles of liberty. It is a system which should not be tolerated among our White Brothers and one which should not be applied to us under any pretence.

9. Housing on Indian Reserves.

The problem of housing on the Indian Reserves is one which the Department has done very little to solve. Now that the war is over and that materials will soon be available, it is the wish of all Indians that they be helped by the Department to build houses which will provide good homes for their families.

If this policy is adopted, we believe that the status of the Indians and their advancement in civilization will be marked by substantial progress.

Signed by Paul Menozo, Chief, and 41 others.

APPENDIX EE

We, the Band and Council of the Indian Village of Hartley Bay do hereby petition the Senate-Commons Committee of Parliament as follows:

We demand:—

1. The immediate replacement of the present thirty year old day school with a modern two room school and teacherage. According to figures supplied by our Council there are 78 children of school age belonging to our village. Many of them are away because there is no room for them in the school. The building is badly overcrowded, improperly heated and lighted, and structurally unsafe. We guarantee to see that every school child attends regularly if a proper school is provided.
2. We request that the system of choosing teachers be changed so that we can get trained teachers at our school. We also request that to get such teachers, proper salaries and pension rights be made available for them.
3. We also request that modern texts and supplies be made available for this school. At present the missionary who acts as teacher is using texts that have been discarded years ago in all other schools.
4. We urge that action be taken immediately to carry out a promise made to us to put in a modern water system in our village. We are a progressive people and we are tired of having to get our domestic water from surp holes in our village.

5. We demand that we be included in any extension of the medical service projected for the native people.

Dated at Hartley Bay, this 10th day of March, 1947.

H. L. CLIFTON
WEILER ROBINSON
ED CLIFTON
ERNEST HILL
JOHNNY CLIFTON
HERBERT RIDLEY
GEORGE CLIFTON
LEWIS CLIFTON

APPENDIX EF

FORT SMITH, N.W.T., April 2, 1947.

Mr. NORMAN E. LICKERS,
Liaison Officer,
Joint Committee on Indian Affairs,
Box 63,
Ottawa, Ontario.

DEAR SIR,—We, the undersigned, Indians of Fort Smith, N.W.T., gathered together in Council, herewith present to you the result of our deliberations in straightforward reply to the following questions:—

1. *Treaty rights and obligations.*

We desire that our rights, as recognized by the Treaty, be maintained in the integrity, and that the obligations assumed by the Government with regard to Indians, be more strictly adhered to and accomplished.

We wish to enjoy that fulness of freedom in hunting and fishing which was guaranteed by the Treaty. If, for grave reasons, the Government should judge necessary any amendment limiting our rights, we demand that we be informed of such change before the publication of the ordinance, in order that we may be able to voice our opinions, either for or against. Realizing the necessity, from time to time, of placing a restriction upon the number of fur-bearing animals which may be taken, as well as such animals as furnish meat, we demand in return that the Government come to our assistance at such periods and call for those among us who are in actual need of help.

2. *Band Membership.*

We are in no wise opposed to admitting into the Indian community any child or person of Indian blood, or any halfbreed living the life of an Indian.

3. *Liability of Indian to pay Taxes.*

We are directly opposed to the payment of any tax that might be levied either against our property or against such land as has been set aside for schools whether on our reserves, or outside the reserves.

4. *Enfranchisement of Indians Both Voluntary and Involuntary.*

We believe that the enfranchisement of Indians is a matter which ought to be left to the free choice of each Indian, and we ask that the government authorities do not intervene in any way in this regard, unless it be to maintain that order set up by the Treaties.

5. Eligibility of Indians to Vote at Dominion Elections.

We cannot find any plausible reason for taking part in governmental elections. We willingly leave this privilege to the white population, whose numbers have greatly increased in the past few years as a result of the development of mining. We do, however, ask that we be granted the liberty of presenting our views to you in connection with the appointment of a representative in Government circles, one who has a complete understanding of Indian affairs, and who, at the same time would accept the responsibility of pleading our cause with prudence and determination. While recognizing the presence of Indian Agents in various localities, it must be said that these men lack sufficient authority even in matters of ordinary occurrence.

6. The Encroachment of White Persons on Indian Reserves.

Here at Fort Smith we are not on a reserve properly so called, and therefore we ask that we be permitted to enjoy our freedom as in the past. We have, nevertheless, a hunting preserve in Wood Buffalo Park, and we ask that this hunting preserve be maintained after the manner of all the other preserves in the Mackenzie District.

7. The Operation of Indian Day and Residential Schools.

We are very well satisfied with the educational system which has been approved by the Government and established by the Department of Indian Affairs. We have here a Catholic school, under the direction of the Grey Nuns of Montreal, and operated by them since 1915. This is a day school, which at the present time boasts an attendance of seventy children of Indian and halfbreed parentage. Those of our children who are now the fathers and mothers of families, have received an excellent education of which we are rightly proud, and we hope that we may continue to enjoy in our midst as long as possible, the advantages offered by such a school. We likewise hope that the Government will be disposed to grant reasonable material assistance to this school.

In addition to having a day school in our community, we also have the opportunity of sending our children to one of two residential schools: Fort Chipewyan or Fort Resolution. We wish it to be known as our sincere hope that the Government will leave the direction of these schools in the hands of those who are now in charge of them, and who have proven over the long period of years reaching from the foundation of these establishments, their worth as educators capable of bringing honor both to the settlement in which they live, as well as to the teaching of our children to which they have devoted their lives and talents.

8. Problem of Hospitalization.

We are strongly opposed to sending our sick people to distant hospitals. We have right here in the North hospitals which give complete satisfaction, plus the mutual happiness of being able to visit our sick people frequently. These hospitals, in charge of the Grey Nuns of Montreal, should be encouraged and assisted by the Government after the manner of other hospitals which have long enjoyed substantial government aid.

9. Problem of Housing

We ask that the Government grant us building material for the erection of our houses. We desire to live in comfortable homes just as much as do white people. Boys and girls who have left school, have never, up to the present time, received any assistance from the Government to enable them to establish a home. With Government aid, however, they could construct suitable houses, they would be more interested in their upkeep, and they would, under such

favourable circumstances, be far better able to ward off sickness and disease. We cannot help remarking that building material, when sent in sufficient quantity, would at the same time happily solve the perennial difficulty arising from the scarcity of boards to make coffins for our dead—a matter which has been shamefully neglected for a number of years.

10. *Problem of Old Age Pension.*

It is our wish that provision be made for the pensioning of the aged of both sexes, in the statutes of the new Indian Act. If any human being deserves and has a right to an old age pension, it is certainly an aged Indian, for having no income or similar means of revenue, his need of a pension is obviously greater than that of a white man, who, in his old age, very frequently enjoys material aid from various sources.

The rations which until now have been granted to the aged, are unquestionably insufficient for their proper support, even in a limited way. No one will deny that twenty-five pounds of flour, five pounds of bacon—that is, when any might be left over after Treaty time—one pound of tea, and a handful of tobacco constitute rations which cry out for a very considerable increase, and one which is certainly more in accord with human dignity. It is precisely for this reason that we demand with special emphasis this old age pension for Indians, just as it has been accorded to the white people.

Signed:

Abraham DeneyutcheleX
Chief

Councillors:

André DeneyutcheleX
Baptiste ArcandX
Baptiste NiyaltiX
Josep KeskoreX
Adam CalumetX
Germain TourangeauX

APPENDIX EG

FORT NORMAN, N.W.T. January, 1947.

DEAR SIRs,—We have heard that you are talking about us, Indians, in Ottawa, we are glad because we hope that you will still improve what you have done for us so far. For this general improvement we are sure that you would like to know what our own group of Fort Norman desires to be done. We put it in few points:—

1. *Rights and Privileges:*

We desire that the rights and privileges so far granted to us will be *maintained*.

2. *Hospital:*

Fort Norman area and Great Bear Lake being one of the richest spots in Canada, we hear, we believe that some money should be spent to *rebuild our hospital*. Whoever knows the place thinks that there is here a very nice site for a hospital with rivers and mountains always in view.

3. School:

A school is a real necessity here. We have a very good residential school at Fort Providence, but it is much too far, 450 miles—Who can blame us for not sending our children there? As you know, we have to be out of town most of the time, then the only school which will be very useful is a residential school. Moreover the great majority of us here is catholic, we are 294 cath. and only 27 are not, so we want a Catholic School with Sisters, if at all possible; we like so much the Sisters and we are sure that everybody will like them.

4. Taxes:

When most of us will know English, it will be easier to work for the White people who want to hire us especially on Bear River and Bear Lake. But when we do work, like some of us do already every summer, we would like to be *free of taxes*. It would encourage many of us to work and to try to make a living in the summer.

5. Means of living:

It is so hard now to provide for ourselves in the winter; fur available is getting scarce. We would like to have permission for *few martens* very soon and also permission to *shoot beavers* even if it is only ten as the rule is presently. Last summer many of us could not pay their debts and this winter it is really hard. We have no means of living decently.

It is true that our population is going down, but with a good school which will take *every* child, will teach and educate them, with a good hospital which will cut down the death rate by saving at least quite a few easy cases, we hope that with our own good will we shall be growing in number again as good citizens of Canada.

In the name of our group of Fort Norman, we, the *four** chiefs.

DAVID WRIGHT,
GEORGE BLONDIN,
JOSEPH MOODY,

*The accompanying letter states: "The senior Chief of the Fort refused to sign, saying that the Indians at the Fort did not wish to have nuns teaching at the School, alleging that pupils at the school at Providence had not been well fed and, further, that several Indians who had gone to the Hospital at Simpson had come back to the Fort swearing that they would never again go to that Hospital because the nuns had not fed them properly. They do not wish to have anything to do with nuns...."

APPENDIX EH

FOND DU LAC,
January 22, 1947.

The Indians of Maurice Band, Fond Du Lac, Sask., having met with their chief on January 22, 1947, submit to the commission of study of Indian Affairs the following remarks:—

1. A. It is our desire that rights guaranteed us by the act of Treaty and all obligations assumed by the Federal Government be at all times respected and fulfilled.

- B. Also that measures be taken that Provincial Governments and Laws respect them also. (Many provincial laws contrary to the Treaty are in existence are not applied to us only through the benevolent interpretation of officials. It should be clearly and explicitly stated in these provincial laws that they do not apply to Indians.)
2. We believe that Indian bands should have the right to accept in their membership, upon a favourable vote, any child or person of Indian blood.
3. Indians up to the present time have been exempt from real taxes for any property owned by them on Indian reserves, but we believe that this exemption should include all other taxes ordinarily paid by Canadian citizens, either to the Federal or the Provincial Governments. We stress also that we should be exempt of all dues, license fees, or royalties pertaining to our hunting, trapping and fishing.
4. The enfranchisement of Indians must be left entirely to the personal desire of each Indian and no compulsion of any kind must be exercised by the Federal authorities in this respect.
5. Due to the circumstances in which we live, scattered and as submerged by a population with which we have little in common, we do not desire the right to vote, but:
We desire a representative of some kind, elected by us, who should visit us regularly and from thence sit at a permanent commission in Ottawa, in which commission such representatives would decide by vote all measures pertaining to Indian affairs. Such representatives would be elected periodically and would represent districts that have common interests and would act as members of parliament but in Indian affairs only. They would be paid by the Government a salary proportionate to their function.
6. We believe that the hunting grounds allowed us (having no reserve) should be kept strictly to our use and no newcomer be allowed in unless through our express consent. We do not ask the removal of non-treaty persons already living with us, but again we ask that newcomers be excluded unless and until conditions improve.
7. The present system of education, approved by the Dominion Government and set up by the Indian Affairs Branch is satisfactory to us and no change whatever is either desired or will be accepted by us. The Indian day and residential schools' system has given satisfaction but must be improved by the building of new schools. Here in Fond du Lac we have asked for a day school since 1939 and did not get it yet. We want a day school in Stony Rapids, Sask., also, as we have already stated in 1939, since we are all Roman Catholics, the teaching in these schools that we ask for should be given according to our religion and by teachers of our religion and we will accept none other.
8. A. The problem of hospitalization should be carefully studied for our benefit. Hospitals are too far away from us; we believe that they could to better purpose be nearer to us as to allow us to visit our people hospitalized. We also desire Christian hospitalization and whenever religious can be found to take care of these they should put under their care. Furthermore Indians should have the choice of the hospitals in which they will be hospitalized.
- B. Up to now no measure of any kind has been taken here for the prevention of tuberculosis which is the cause of at least 50 per cent of deaths in our band. We ask the Government to do its utmost in the least delay possible to improve the situation.

9. The Department of Indian Affairs, up to now, has done absolutely nothing to help us in building houses. But now that we can live in permanent settlements we desire real help from the Government in helping us to build decent houses for our families.
10. The scant rations given to our aged people are a shame compared to what the Government does to its white population, as the grant of five dollars or even less allowed per month is not a fit means of living. We wish that a better treatment be given to our aged people.
11. We desire the family allowances be given in cash or at least that we may have a wider latitude in the choice of goods to be bought by Family Allowance checks.

For the Indians of Maurice Band, Fond du Lac, Sask.

JOSEPH DZIEDIN,
chief

GERMAIN DATSAN,
Headman.

PIERRE LABAN,
Headman.

APPENDIX EI

KEESECKOOSE RESERVE

St. Philips, Sask.

1. *Treaty Rights and Obligations*

It is our desire that these rights and obligations of the Federal Government towards the Indians, be at all times respected and fulfilled.

2. *Band Membership*

We believe that all the Indians Bands should have the right to accept in their membership, upon a favourable vote, any child or person with Indian blood.

3. *Liability of Indians To Pay Taxes*

Indians up to the present time have been exempt from real taxes for any property owned by them on Indian reserves, but we believe that this exemption should include all other taxes ordinarily paid by Canadian citizens, outside of the real estate tax on property owned by them but not situated on Indian Reserves.

4. *Enfranchisement of Indians Both Voluntary or Involuntary*

The enfranchisement of Indians must be left entirely to the personal desire of each Indian and no compulsion of any kind must be exercised by the Federal authorities in this respect.

5. *Our Treaty Rights—(Eligibility of Indians to Vote at Dominion Elections)*

We the Indians of Keeseckoose Reserve Sask. do not want the right of voting at any elections, and want to retain our treaty rights.

6. *The Encroachment of White Persons on Indian Reserves*

We believe that Indian Reserves are strictly the property of Indian bands and no White persons should be tolerated on any of them. The Department of Indian Affairs should also expell immediately all White persons who have homes on Indian Reserves and who are conducting business thereon.

7. *The Operation of Indian Day and Residential School*

The present system of education approved by the Dominion Government and set up by the Indian Affairs Branch is satisfactory to us and no change whatever is either desired or will be accepted by us. The Indian Day and Residential Schools' system has given satisfaction but must be improved by building of new schools, whether day or residential, in such parts of our reserves as are not provided with them. All teachers in Indian schools should be paid by the Indian Affairs Branch and should have normal training school. Moreover they should be members of the Civil Service Association and be entitled to all the privileges which are given to its members. As far as residential schools are concerned the capita grant should be set on a cost plus basis which could easily be established by an independent commission or officials of the Branch of Indian Affairs.

8. *The Problem of Hospitalization for the Indians of Canada Should Be Studied Very Carefully by the Members of the Committee*

The tendency at the present time is to establish large hospitals near important civic centers. We are opposed to this system. We believe that hospitals should be as they are for the White population as close as possible to the families of those that are sick, so that they can be visited by their parents, brothers and sisters. Exceptions to this might be admitted when it is necessary to have recourse to special surgical treatment, but all ordinary cases of sickness should be hospitalized in hospitals built on our Reserves, or as close as possible to them. Moreover, we believe in Christian hospitalization and whenever religious care can be found to take charge of these institutions, they should be placed under their care and all nurses should be registered. Furthermore, all Indians should have the liberty of choice of the hospital where they will be hospitalized. Placing Indians as it is done at the present time, in hospitals that are hundreds of miles away from their home, without their being consulted and without their having the right to choose the institution to which they will be sent, is certainly contrary to all our principles of liberty. It is a system which would not be tolerated among our White brothers and one which should not be applied to us under any pretence.

9. *The Problem of Housing on Indian Reserves Is One Which the Department Has Done Very Little to Solve.*

Now that the war is over and that the materials will soon be available, it is the wish of all Indians that they be helped by the Department to build houses which will provide good homes for their families. If this policy is adopted, we believe that the status of the Indians and their advancement in civilization, will be marked by substantial progress.

10. We the Indians of Keeseekoose Reserve, St. Philips, Sask., are convinced of the necessity of religion in education and strongly request that our children be taught in schools of their religious denomination.

The Indians at Keeseekoose

LOUIS QUEWEZANCE
Chief

JAMES STEVENSON
W. R. KITCHIMOUA
Counsellors

NOTE—

1. We the Indian People of KEESECKOOSE RESERVE urgently and strongly recommend that a housing project be started on our reserve now without delay.
2. We also ask that an hospital be built on our reserve.
3. We also ask that the rations for the old people be increased. For what is now given is not sufficient.

APPENDIX EJ

PINE CREEK INDIAN RESERVE,
Camperville, Man.,

November 5, 1946.

Honourable Senator J. FRED JOHNSTON and Mr. D. F. BROWN,
Joint Committee of the Senate and the House of Commons,
Appointed to examine and consider the Indian Act,
Ottawa, Ont.

DEAR SIRs.—The following are resolutions passed by the Members of the Pine Creek Indian Band at a meeting held under the Presidency of the Chief and his Councillors; which are to be respectfully presented to the Department of Mines & Resources:—

1. *Treaty Rights*

It is our desire that these rights and obligations of the Federal Government towards the Indians, be at all times respected and fulfilled.

2. *Band Membership*

We believe that all the Indian Bands should have the right to accept in their membership, upon a favourable vote, any child or person with Indian Blood.

3. *Taxes*

Indians up to the present time have been exempt from real taxes for any property owned by them on Indian reserves, but we believe that this exemption should include all other taxes paid by Canadians.

4. *Enfranchisement*

The enfranchisement of Indians must be left entirely to the personal desire of each Indian and no compulsion of any kind must be exercised by the Federal authorities in this respect.

5. *Vote at Dominion Election*

We the Members of this Reserve do not care for the right to vote at any election and will do so only if that right is granted to us without any of our present privileges being taken away from us.

6. *Fall fishing*

We Members of the Pine Creek Band are asking the Department of Mines & Resources to close the Lake Winnipegosis, to Commercial Fall Fishing. We are convinced that Fall fishing is the ruin of the Lake on which many Indians depend for living. Most of the Fall fishing is done by unscrupulous White Men who are throwing back to the Lake all rough fishes for which there is no market during this period of the year. A tremendous amount of Jackfish, Mulletts and others are going back to the Lake which spoiled the water and deteriorate the fish. Fall fishing is of no help to us. For the ten passed years no license has been issued to any Member of this Band. We therefore petition the Department to used its influence, to cancel Fall fishing definitely and immediately.

7. *Winter Fishing*

The new Regulations on Winter fishing will affect every Member of this Band as well as all Indians living in the vicinity of Lake Winnipegosis. Under new regulations, License will be issued only to those who have had a fishing license in the past.

The actual License entitles a man to fish only 40 nets. In the past a License entitled a man to fish as many nets as he could. Consequently a man with his own boys could fish a hundred or more nets. Now under new regulations the old fishermen will get their license while the young men will be idle during our crop season, namely winter fishing season. Out of this Band 28 young Members some of these married will be unable to fish, the only means of living during the Winter Months.

We understand that the Department of Game & Fisheries is trying to help us preserve the Lake. We suggest that an investigation be made. Many Farmers who do not need fishing to make their living are issued licenses, while we who are making a living completely out of fishing are denied the same privilege.

We therefore petition the Department to use its influence in our favor and see that every Indian family where two or more boys are able to fish be issued at least two licenses; otherwise many a Family will be facing starvation during the Winter Months. Once again we stress, that the greatest protection for this Lake is cutting off Fall fishing definitely and immediately.

8. *Trapping*

The Indians living on the shores of Lake Winnipegosis, are mostly fisherman and trappers, depending on these two trades for living. There is no question of farming the soil; condition is too poor and rocky, it will simply not produce. The trapping areas where we and our Fathers have been trapping are all closed. The Summerberry Rehabilitation Fur Plan has been a great asset for the Halfbreeds of Camperville, but so far Indians have been kept out of same. We ask the Department to provide arrangements so that we may profit of the same advantages as the Halfbreed are profiting.

We also suggest that a new Fur Plan be started in the vicinity for all Indians of the District. Work to be done is as follows: Block the two Waterhen Rivers dig a channel between Lake Winnipegosis and Cedar Lake. The waters of Lake Winnipegosis will rise to their normal level, thus flooding all marshes West of the same Lake, where in years passed by, Beavers and Rats were numerous, while actually these marshes are dried out.

The work proposed will amount to very little compared to the great asset it would give the Indians of this part of the Province. We request the Department to study this Plan very carefully and carry it to completion.

9. *Old age pension*

We petition the Department to extend Old Age Pension to all Indians who have reached the age of 65 years.

10. *School*

The present system of education approved by the Dominion Government and set up by the Indian Affairs Branch is satisfactory to us and no change whatever is desired or will be accepted by us. Our children are receiving education at the Pine Creek Residential School. They are receiving the best of Religious, Academic and Vocational Training, which we greatly appreciate and for which we are grateful. We realize the importance of good education now more than ever before. We specially realize the importance of Religious teaching in our schools. It has been the aim of the Department to respect the Creed of all Indians we hope it will always be. We are fully satisfy with the actual system. Our Pine Creek Residential School as actually conducted meets the need of our population. Our girls are receiving a good sound academic training combined with a complete training in cooking, sewing, knitting, weaving, house keeping first aid nursing, fancy needle work; all trades which will make them good practical housekeepers in the future. Our boys are equally well trained. They are taught carpentry work, blacksmith work, elementary mechanics, painting

cattle raising, gardening, shoe repairing and other practical trades. Good teachers and instructors are provided by the staff of the school. Our children are receiving a wonderful education. Yet we realize that greater work could be accomplished on the educational point of view if more financial help be given to the Residential Schools. We know that the actual Grant is not sufficient to cover all expenses of these schools. It should be increased.

11. *Hospitalization.*

The following has always been the Principle of the Department in connection with Education: All Indian children must be educated in their own Creed. Catholic children must attend catholic school. It seems logical that the same Principle would apply to the question of Hospitalization, specially in cases of Tuberculosis, when patients will spend 3, 4 or more years in a Sanatorium. We do not understand why our Catholic, that is our Roman catholic Indian patients can not receive hospitalization in an Institution of their Creed when treatments are needed. Since 1939 all our patients have been sent either to Dynevor Indian Hospital or Fort Qu'Appelle, Sask. These Institutions are not of our Creed. We strongly object to this.

If there is a time in life where Religion is absolutely necessary it is while suffering and even more specially at the moment of death. We regret to say that our patients have been deprived of these wonderful consolations. We beg the Department to grant us liberty in the future to send our children or other patients to Institutions of our own Creed when they need medical care.

We also suggest that a small hospital or Sanatorium unit be built at Camperville for all the Indians of the Vicinity. This Health Unit to be committed to the spiritual care of the RR. Oblate Fathers who are in charge of our Spiritual Welfare.

12. *Housing Problem.*

During the war it has been impossible for the Department to help in connection with the building of houses on the Reserves. We hope that in the future it will be possible to receive everything necessary to build homes of sanitary condition. We believe that the housing problem would be solved in many Reserves if a Saw-mill be installed where building lumber is available. It is the case on our Reserve. With a saw mill the Box industry could be developed. We therefore ask the Department to supply us a complete saw mill to operate on the Reserve and to be operated by the Members of the Band.

13. *Tools.*

Every Indian Reserve should be equipped with the ordinary tools for wood work, blacksmith and tinsmith work. Our boys are receiving good training at our Residential schools. A shop could be built on the Reserve and with the proper tools repairs to be done on Implements or Furnitures,, etc., could be done on the reserve. The Instructor of the Pine Creek Residential School has offered giving our ex-pupils a course in Acetylene Welding if a welding torch and Gas could be supplied. We beg the Department to supply our Band with the above mentioned tools.

14. *Road.*

The Department has already spent a certain sum of money starting a road across the Reserve, between Camperville and Duck Bay Settlement, but this road has never been completed. So we ask completion of same. Actually at certain periods of the year it is impossible to have the cares of a Doctor or to remove patients to the Hospital. The road is impassable, it should be finished and graveled.

15. *Cattle raising.*

We now realize that fishing and trapping are not what they used to be. The competition of the Whiteman, the new regulations on fishing, the forbidden areas in trapping, all this shows that the Indians can no longer depend only on fishing and trapping to make their living. We Indians, must depend on something else if we do not want to face starvation in near future.

As we have already mentionned, this Reserve, as well as all Reserves situated around Lake Winnipegosis, will not produce decent crops. On the other hand we have good pasture land and wild hay is in abundance. Raising cattle is probably the only reliable means of living on this Reserve. We are all anxious to start in cattle business, but to do it we need help to start. We are hereby asking the Department to give us a start to supply the Pine Creek Band at least a carload of cattle, with this start we will do our utmost to carry on successfully.

We humbly submit these consideration to the Department of Mines & Resources; knowing that all these above mentionned are vital to the welfare of every Member of this Band. These same considerations will also apply to a great number of Bands living in the same conditions as we are living, probably to all the Bands situated in the Vicinity of Lake Winnipegosis, to all Indians living in this Northern part of this Province of Manitoba.

Very truly yours,

THE MEMBERS OF PINE CREEK INDIAN BAND.

Per:

THEODORE FLATFOOT,
Chief.

DANIEL FLATFOOT,
Councillor.

CAMILLE NIPENECH,
Councillor.

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Canada Indian Act, 1947
Session 1947
(SESSION 1947)



SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPOINTED TO CONTINUE AND COMPLETE THE EXAMINATION
AND CONSIDERATION OF THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 12

MONDAY, APRIL 21, 1947

WITNESSES:

Chief John Callihoo, President, Indian Association of Alberta, Michael's Reserve, Villeneuve, Alberta;

Chief Robert Crow Eagle, Peigan Reserve, Brocket, Alberta;

Chief Teddy Yellowfly, Blackfoot Reserve, Gleichen, Alberta, representing unaffiliated Indians of Alberta.

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1947





MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

MONDAY, April 21, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 11 o'clock a.m.

Presiding: Mr. D. F. Brown, M.P., (Joint Chairman).

Present:

The Senate: (In Recess).

The House of Commons: The Honourable Messrs. Glen and Stirling and Messrs. Brown, Blackmore, Bryce, Case, Castleden Charlton, Farquhar, Gibson (*Comox-Alberni*), Harkness, Little, MacLean, MacNicol, Matthews (*Brandon*) (Vice Chairman), Reid, Richard (*Gloucester*), and Stanfield—18.

In attendance: (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; B. F. Neary, Superintendent, Welfare and Training Division; H. M. Jones, Supervisor, Family Allowances; G. Gooderham, Inspector, Indian Agencies, Alberta; D. J. Allan, Superintendent, Reserves and Trusts Division; (From Department of Mines and Resources): Mr. W. J. Ford Pratt;

(From Indian Association of Alberta): Mr. John Laurie, Secretary Treasurer, Calgary; Mr. Ed. Hunter, *Stony*, Morley; Chief Joe Bull Shield, *Blood*, Cardston; Mr. James Gladstone, *Blood* Cardston; Chief Frank Cardinal, Sucker Creek Reserve, (*Cree*) Drift Pile Agency; Mr. Mark Steinhauer, *Cree*, Saddle Lake; Chief David Crowchild, *Sarcee*, Calgary;

also Dr. Andrew Moore, Inspector, Secondary Schools, Manitoba.

Also Mr. Norman E. Lickers, Barrister, Counsel for the Joint Committee and Liaison Officer.

The Chairman advised the Committee that there would be distributed to them, for their study, the report of Mr. Justice W. A. Macdonald; also a statement prepared by Indian Affairs Branch, on Indian Status and Eligibility for Band Membership (See Appendices to these Minutes).

Mr. John Laurie, Secretary Treasurer, Indian Association of Alberta, introduced the members of his delegation and the following speakers who, in turn, were called and made a statement: Chief John Callihoo, President, Indian Association of Alberta; Chief Robert Crow Eagle and Chief Teddy Yellowfly. The latter was chosen by the Indian Association of Alberta to represent the unaffiliated Indians of that province.

Questioning of these delegates was postponed until the next meeting.

The Committee adjourned at 1.00 p.m., to meet again tomorrow, Tuesday, 22nd April, at 11 o'clock a.m.

T. L. McEVOY,
Clerk of the Joint Committee.



MINUTES OF EVIDENCE

HOUSE OF COMMONS,
April 21, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 11.00 a.m. Mr. D. F. Brown, M.P., (Joint Chairman) presided.

The CHAIRMAN: Would you kindly come to order, gentlemen. We will, for the information and study of the committee, circulate what is known as the Macdonald report, for future consideration. There is also a memorandum on Indian status and eligibility for band membership, a departmental presentation, which will be circulated. If you will kindly read and study these, they will be considered later.

Now this morning we have representatives from the province of Alberta, that is the Indian population of Alberta. I believe Mr. Laurie is the spokesman for the delegation. Is that correct, Mr. Laurie?

Mr. LAURIE: No, I shall only introduce the speakers Mr. Chairman.

Mr. CHAIRMAN: Yes I might tell the committee that there will be three representatives of the Indian population of Alberta to present briefs. In addition to the persons who will present briefs on behalf of the Indians there are a number of others in attendance who have travelled here at their own expense, of course, to assist the delegation in making the presentation, and if it is your pleasure I am now going to ask Mr. Laurie if he will introduce the members of the delegation.

Mr. HARKNESS: Just before you do that, Mr. Chairman, perhaps I had better say Mr. Laurie is the secretary-treasurer of the Indian Association of Alberta.

The CHAIRMAN: That is fine Mr. Harkness. I was about to ask him that. What is your first name Mr. Laurie?

Mr. LAURIE: John.

The CHAIRMAN: John Laurie. Would you care to come up here to the table, Mr. Laurie?

Mr. LAURIE: I think perhaps I would, thank you very much.

Mr. CASE: Mr. Chairman, may I ask this question before we proceed, did this delegation appear at their own request or at the invitation of the committee?

The CHAIRMAN: The delegation which will present briefs has appeared at the invitation of this committee, as recommended by the subcommittee on procedure. Would you care to introduce the members of the delegation Mr. Laurie?

Mr. LAURIE: Thank you, sir.

Mr. Chairman, and honourable members of the committee, I shall present first Mr. John Callihoo, President of the Indian Association of Alberta, who is one of our official speakers.

Mr. MACNICOL: Mr. Laurie would you spell the names, please.

Mr. LAURIE: Yes, sir. C-A-L-L-I-H-O-O.

Mr. CASTLEDEN: He is the president of your organization.

Mr. LAURIE: Yes, sir.

Mr. MACNICOL: From what part of Alberta is he?

Mr. LAURIE: He is a Cree, from Michael's reserve, Villeneuve. The next will be Mr. Bob Crow Eagle, Peigan, Brocket, Alberta. We have as the speaker for the unaffiliated Indians, Chief Teddy Yellowfly, Blackfoot, Gleichen, Alberta. The others, who are here are advisers and listeners, in the order named are: Mr. Ed. Hunter, Stony, Morley, Alberta; Chief Joe Bull Shield, Blood, Cardston; Mr. James Gladstone, Blood, Cardston; Chief Frank Cardinal, Sucker Creek reserve, Drift Pile agency.

Mr. MACNICOL: What tribe?

Mr. LAURIE: Cree. Continuing, there is Mr. Mark Steinhauer, Cree, Saddle Lake; Chief David Crowchild, Sarcee, Calgary.

That completes our representation.

The CHAIRMAN: Thank you very much, Mr. Laurie, we appreciate your introduction and I hope the members of the delegation will feel free in appearing before this committee, through their speaker, to ask any questions that they feel are pertinent to the matters under discussion.

Mr. LAURIE: I am sorry, gentlemen, I omitted one, Mr. Albert Lightning, Cree, Hobbema.

Mr. MACNICOL: Would you please introduce the delegation that came with them?

The CHAIRMAN: The other gentlemen, Mr. MacNicol. I might say are not with the delegation. They are representatives of Walpole Island, in Ontario, who are here as listeners.

Now as I have said we hope you will feel free to put any questions you care to through your spokesman. As you see the proceedings of this committee are quite informal, and I want you to assist us as best you possibly can and feel free through either Mr. Laurie or your other spokesman to ask questions. Those of you who are not representatives of the tribe in Alberta may put questions if you so desire and we hope you will feel free to answer any questions we may put to you.

The practice of the committee is to hear first all of the presentation as made by the witness without questioning and then at the termination of the presentation, to hear the next delegate give his brief and then the third delegate will present his brief, without questioning.

If the members of the committee would make notations of the questions to be put to the witnesses at the termination of their presentation it would be appreciated and I think would expedite the proceedings of the committee and in any event that is the practice that has been established now for some time in the committee.

I understand that we have the inspector of Indian agencies too, Mr. George Goodbrand of Alberta.

Mr. HARKNESS: Gooderham.

The CHAIRMAN: I thought it was Goodbrand.

Now Mr. Laurie, would you have your first spokesman come forward so that we may have his brief presented. If you would care we would like to have him come up here and if he desires he may sit here.

Mr. LAURIE: Mr. Callihoo, president of the Indian Association will give his summary of our brief.

John Callihoo, President, Indian Association of Alberta, Shell Reserve, Villeneuve, Alberta.

By the Chairman:

Q. Probably, Mr. Callihoo, it might be well if we just had some preliminary questions. Perhaps some of the members of the committee would care to ask you some particular questions in order to lay a foundation for the presentation of your brief. In the first place, Mr. Callihoo, I believe you are the president of the Indian Association of Alberta?—A. Yes, Mr. Chairman.

Q. And to what particular tribe do you belong?—A. Cree.

Q. You are a Cree, and from whereabouts?—A. I tell you my treaty card is Cree, but I come from the Iroquois down here.

Q. You come from where?—A. The Iroquois, Caughnawaga.

Q. From Caughnawaga, and how long have you lived in Alberta?—A. I was born there.

Q. Would you care to tell us your age?—A. Sixty-five.

Q. Sixty-five?

Mr. CASE: May I ask, Mr. Chairman, is your organization fairly representative of all the Indians in Alberta?

The WITNESS: Eight reservations out of ten, eight agencies out of ten agencies.

The CHAIRMAN: Eight agencies out of ten.

Mr. CASE: You mean eight of the various tribes are active members of your organization, that is, I am asking now, do you feel since you represent the organization, can you speak for all the Indians in Alberta?—A. No, not for all of them, I am president of the Indian Association of Alberta, but I cannot tell all the different feelings there are, and the different grievances there are in the province.

Mr. CASE: But most of the tribes belong to your organization do they, that is really what I want to find out?

The WITNESS: Yes.

Mr. CASE: Most of the tribes in the province belong to your organization?

The WITNESS: Yes.

The CHAIRMAN: Mr. Callihoo, you see, the evidence that you will be giving to this committee is being taken down by the reporters and it is later published in the books which you have been getting over the past year. It is rather difficult from time to time to hear witnesses who are far away from the chairman, so I wonder if you and Mr. Laurie would find it convenient to come up here. We want you to be perfectly at ease, because after all you are among friends.

The WITNESS: All right, Mr. Chairman.

The CHAIRMAN: Thank you very much, we appreciate your co-operation.

Mr. CASE: Mr. Chairman, may I interrupt and ask one more question? I understood you to say that eight agencies out of the ten in Alberta belong to your organization?

The WITNESS: At the commencement, yes.

The CHAIRMAN: Could you go further, could you say roughly what percentage of the total Indian population of Alberta belongs to your organization? Could you give that to us, Mr. Laurie?

Mr. LAURIE: The paid-up membership would be about ten per cent over the whole Indian population, so far as figures are available.

The CHAIRMAN: You qualify that by saying "paid-up membership"; there are some memberships not paid up which would increase your percentage?

Mr. LAURIE: As to that, Mr. Brown, it is difficult sometimes to keep an accurate record. Our year may last over the entire twelve months so that it is difficult to give you accurate figures.

The CHAIRMAN: What I am trying to get at is, you are the only organized group in Alberta?

Mr. LAURIE: Yes, sir.

The CHAIRMAN: And you say your organization comprises about ten per cent of the total Indian population. Now, is that the male population, or the total population?

Mr. LAURIE: That is ten per cent of the total population.

The CHAIRMAN: In your organization are there both men and women?

Mr. LAURIE: Yes, sir.

Mr. CASE: Do they join by bands or as individuals?

Mr. LAURIE: As individuals.

Mr. CASTLEDEN: You have no affiliation by bands or reserves?

Mr. LAURIE: No, sir.

The CHAIRMAN: What do you mean when you say you have eight out of ten agencies?

Mr. LAURIE: We have a representation of chiefs, counsellors, and of tribesmen in each of the eight out of the total of ten agencies in Alberta.

The CHAIRMAN: I see.

Mr. CASE: Is your organization affiliated with the North American Indian Brotherhood?

Mr. LAURIE: No, sir.

Mr. CASE: You are an independent organization?

Mr. LAURIE: We are an independent provincial organization.

The CHAIRMAN: I think that answers most of the questions with respect to the agencies. I thought probably the whole Indian population in Alberta were actually members of your organization. I understand now.

Are there any further questions of a preliminary nature which you would care to put to the witnesses? If not, we will hear Mr. Callihoo.

Mr. MacNICOL: Mr. Chairman, before you go further perhaps Mr. Laurie would like to establish his connection with the organization.

The CHAIRMAN: I thought he had done so, but would you care to do that again, Mr. Laurie?

Mr. LAURIE: Mr. Chairman, when the Indian association was organized I was invited by the executive of that organization to act as their secretary, in which capacity I have continued to act.

The CHAIRMAN: What is your occupation?

Mr. LAURIE: I am a teacher, sir.

The CHAIRMAN: A school teacher?

Mr. LAURIE: A school teacher.

The CHAIRMAN: And, are you actively engaged in that occupation?

Mr. LAURIE: I am.

Mr. CASTLEDEN: How long have you been connected with the Indian association of Alberta?

Mr. LAURIE: Since its formation in 1944.

Mr. CASTLEDEN: And you were interested in Indian work prior to that time?

Mr. LAURIE: Yes, sir.

Mr. CASTLEDEN: Can you give us any kind of an outline? I know you are a bit modest. I think the committee should know the work Mr. Laurie has done. It will be appreciated.

Mr. LAURIE: Mr. Chairman, I have been in close contact with the Stoney Indians at Morley, Alberta, for about twenty-one years, visiting them frequently and getting to know them all. I became first interested in one of their young men who, it seemed to me, had some talent, and that was the most intimate relationship; before that it was just casual. Then the situation with regard to the Stoney land problem, which I am very happy to say the department has done its very best to settle of late, arose, came to attention; and I suppose the snowball grew.

The CHAIRMAN: Thank you, Mr. Laurie. If there are no further questions then we will ask Mr. Callihoo to proceed.

The WITNESS: Mr. Chairman, honourable members of the joint committee, on behalf of the Indian Association of Alberta, I shall present to you the brief which has been prepared by our association for its member bands in the province of Alberta. We hope that it will receive your closest attention. Our association has in its membership eight of the ten agencies in Alberta. We have gentlemen from each of those eight agencies as advisers with us here. These agencies are: the Driftpile agency, which covers Lesser Slave Lake and the Peace River country; Edmonton agency of five reserves west and north of Edmonton; Saddle Lake agency, east and north of Edmonton; Hobbema agency, sixty miles south of Edmonton, all of them Cree-speaking. Then we have the Morley or Stoney agency west of Calgary; the Sarcee agency just outside the city of Calgary; the Blood agency near Cardston in the south and the Peigan agency west of Macleod. These southern agencies are under Treaty VII, the northern one under Treaty VI and Treaty VIII. These southern people speak the Stoney, the Sarcee and the Blackfoot languages. My colleague who will also speak to you is chosen from our members under Treaty VII. The speaker for the unaffiliated Indians is also from the Blackfoot reserve at Gleichen.

The Indian Association of Alberta has no connection at all with the North American Indian Brotherhood of Mr. Andrew Paull. It is a provincial organization working for the benefit and progress of the Treaty Indians of Alberta.

The most important thing to us Indians today is education. The government promised us education as a treaty right. But our education today is far below our needs. In Alberta we have seventeen residential schools and one day school. This day school is at the Sarcee reserve. We wish to retain those residential schools on many reserves but these schools must be properly financed by the proper responsible authority. This is the Government of Canada. Our brief maintains that the present per capita grant of about \$180 on the average is too small. The new scale of grants announced the other day by Mr. Neary is no better. To educate, feed, train and educate the children decently the minimum per capita grant must be at least \$300.

Our association believes that the children in the residential schools do not spend enough time in class and spend too much in doing chores around the school. In our province the parents of the children can teach the children to do all the chores necessary when they are home in the holidays. Let the school teach them the things the white schools teach the white children.

All Indians are not fitted to be farmers, or ranchers; some are capable of being good tradesmen, carpenters, mechanics, teachers, nurses, clerks or anything else. But the child has to leave the residential school at sixteen. The figures put out by the Indian Affairs branch will show you that few children get past Grade VI. This is because they must first learn to study in a new language,

English, and because they have to spend too much time doing chores. Sometimes it looks to us as if they had to work their way through school to pay for their education.

They cannot go to other schools, white schools, because they have too little education. The grants which are sometimes made by the Indian Affairs branch for education past the standards of the residential schools, are too hard to get and far too small to permit the parent to send the child to a white school. One hundred and sixty-five dollars a year hardly pays the tuition fee in a city high school.

Too many residential schools are too far away from the homes of the pupils to encourage the parents to send them away. Would any of you care to send your seven-year old child a hundred miles to a school kept by people of another race, language and different customs? We also love our children dearly.

The reserves of the Edmonton and Saddle Lake agencies need day schools. Most of these people are well established at home and can make good use of a day school system.

Sarcee needs a new day school, as the present one is too far from the homes of the pupils. It is housed in an old building, which should be torn down and salvaged to provide material for a new school. Stoney agency at Morley needs a two-room day school attached to the present residential school. The present school has room for 92 pupils but there are about 165 children of school age on the reserve. Those people who are able to live on the reserve all the year round could send their children to day school; the others who are compelled to go away most of the time to get work in order to live, could send their children to the residential school. In all day schools, care should be taken to provide a hot lunch for the children.

We recommend:

1. A commission to study educational needs in our province, a commission made up of people experienced in Indian education, of people who are trained in modern education, and of Indians. This commission should have the power to put into operation a modern school system under properly qualified, properly paid teachers so that Indian children will have equal educational opportunities with white children.

2. Day schools properly run under qualified teachers where the people of the reserve want day schools.

3. Residential schools should be kept where the Indians prefer them or need them but the per capita grant must be increased to at least \$300 a year so that the schools can provide the care and education they should.

4. Part time labour should be done away with altogether. It is not education in the first place because it does not prepare the child for the conditions he must meet on the reserve (no electric irons, vacuum cleaners, etc.). Instead the child should spend the regular school hours at his books and then have organized sports and physical training.

5. There should be vocational training suitable to the locality where the reserve is, and for useful trades.

6. Semi-residential schools so that parents may have their children spend weekends, national holidays and seasonal vacations at home. This would be especially good at the Blood reserve.

7. A trained welfare worker or two on every reserve to help the school graduates establish themselves in proper occupations.

8. A scheme of providing school graduates with breeding stock or fishing and trapping equipment, girls with furniture so that they can make a start when they leave school.

9. A program of adult education on the reserves, in English, first aid hygiene, canning and other useful subjects.

10. Indians should be trained for positions in the Indian service. Civil Service requirements should be relaxed in favour of Indians and Indians should be given preference for all positions in the Indian service.

The whole aim of Indian education should be education equal to that of the white people in the country. In our province grade nine is the lowest standard which is acceptable to our white neighbours. Lastly, we believe that the churches should continue to administer the education of the Indian people in Alberta.

Your committee has been charged with the revision of the Indian Act. We are the people who are governed by that particular law. In a democratic country those who are governed should be consulted in matters affecting them. We are glad that your committee has given us the chance to put our recommendations before you for your consideration. We are not trained lawyers but we see how the Act affects us in our daily lives.

I should like to say that our association endorses and supports the general principles which will be set out by the representatives of the unaffiliated Indians, Chief Yellowfly.

We believe as an association that the revised Indian Act must be based upon broad principles of human justice. It must, we know, provide for the development of the Indian people of Canada. In the development of the people we believe that the new Act must place more and more responsibility upon our chiefs and councils to act as governing bodies. For example, the great and arbitrary powers of the superintendent-general must be limited and more opportunity for appeal from such decisions provided. The free will of the people expressed to their chiefs and councils must have far greater authority than in the past. We urge that the elective system for a three year term, as now provided in the Act, be put into effect wherever a majority of three-quarters of the eligible voters in the band vote in favour of the elective system for a limited term.

The powers of the superintendent-general to dispose of trust funds without the consent of a majority of the band, the powers of the superintendent-general to lease lands belonging to the band, and similar powers, must be removed. No people can develop responsibility at all unless they know that their decision is the responsible one.

Along with this rises the permit system. This system makes it necessary for an Indian to get written permission to sell any of his produce. We believe that the Indians of the northern reserves should be freed from this restriction. They have stated that this is their wish. The Indians of the southern reserves, Stoney, Sarcee, Blood and Peigan, because they are stock men rather than mixed farmers, wish to retain the permit system for the purpose of keeping records rather than of control. Your committee should be able to make it possible for those Indians who want to be freed from the system of permits to be set free. Those who wish to keep the permit system should be allowed to do so. A man must learn the value of his own work. He must learn the responsibility of doing business for himself and of taking responsibility for his debts or his credits.

Treaty Indians should continue to be exempt from taxation either direct or indirect as long as they are working on their reserve. There can be and must be no land taxes upon the reserve. There must be no form of income tax or produce tax or sales tax imposed upon produce or earnings within the reserve. Excise and sales taxes, such as those upon tobacco and matches, are regularly paid by treaty Indians now. We believe that the revenue obtained in this way is a very large one. In return for this revenue all treaty Indians should be eligible for such social benefits as old age pensions, mothers' and widows' allowances, aid to the blind. These are benefits to which the other races in Canada do not directly contribute but which they do receive when certain rules

are fulfilled. The treaty Indian should also be eligible for these. Aged, destitute and indigent Indians now get rations which are unsatisfactory in quantity and quality. We believe that the actual cost of these rations would not be more than five dollars a month. Most of the money set aside for this kind of welfare goes into administration and other such expenses. Let us be given old age and other necessary social benefits and give up the system of issuing rations.

The Indian association is unanimously opposed to any form of enfranchisement, voluntary or involuntary. Voluntary enfranchisement is a man's personal business. Involuntary enfranchisement must be abolished forever, and those of the Hobbema, Driftpile and other agencies who have been expelled from treaty must, with their families, be restored to full treaty rights and privileges. Section 18 of the Indian Act should be removed entirely.

At the time of the treaties chiefs and headmen were judged to be competent to decide band membership. They should today, acting upon the expressed will of their bands, be the sole judge of who or who may not be a member of their bands. We do not want to bring new people into treaty; we want to see those restored who have been deprived of their treaty rights in our province. Our briefs contain full argument upon this point. At the end of the first volume of our brief we have presented a summary of our opinions on this point. We beg leave to refer you to that summary, and to the body of the brief for a complete development.

I sum up this portion of my address to you as follows:

1. An Act which will remedy particular grievances as outlined in our brief, an Act based upon a sincere desire to make the treaty Indian a self-respecting, responsible man.

2. Continued exemption from taxation as at present.

3. No enfranchisement, voluntary or involuntary.

4. Equal treatment with other races in the country as far as old age pensions, aid to the blind, relief to the indigent, and so on, are concerned.

5. The band concerned to be the final authority upon band membership.

6. Restoration to full band membership of all those in the Driftpile and Hobbema agencies who have been expelled from treaty rights.

7. Complete removal of section 18 of the Indian Act and other restricting clauses regarding band membership.

The CHAIRMAN: Thank you very much, Mr. Callihoo. Mr. Laurie, would you introduce the next delegate?

Mr. REID: May I ask the witness one question on his brief? I do not know whether or not you want that now. Are you going to hear all the briefs first?

The CHAIRMAN: If it meets with the wish of the committee we had thought that we would hear all the briefs at one time and have you make notes. If that is agreeable we will proceed under that policy.

Mr. MACNICOL: Before you proceed, have we a copy of the remarks just made by the chief?

The CHAIRMAN: No, the chief has given only a digest of what is contained in the main brief. We will discuss this brief later.

Mr. MACNICOL: Which one?

The CHAIRMAN: The one that is now before you together with the appendices.

Mr. MACNICOL: The big thick one?

The CHAIRMAN: Yes, there are two volumes in front of you. One is the submission of the Alberta Indian Association, and the other is the appendices to the submission. We will discuss later whether those are to become a part of the record of this committee.

Mr. HARKNESS: I might say that I understand the Alberta Indian Association of Alberta decided rather than take up the time which would be required to read these two long briefs that they would follow the procedure of making a sort of digest of them in their presentation, and leave the briefs for the committee to read at their leisure.

Mr. REID: May I ask this question? Perhaps it can be answered now. I notice that certain short briefs have already been tabled in our records. They start at page 200. I was wondering if the people who presented those briefs are represented here today, and if the briefs that have already been submitted are contained in the briefs now being presented to us?

The CHAIRMAN: Probably Mr. Laurie can give that to us.

Mr. REID: Louis Courtoreille has submitted a brief, and also Narcisse Pierrot and Teddy Yellowfly of the Blackfoot tribe.

Mr. HARKNESS: He is here.

The CHAIRMAN: Let us take the first one. There is a brief presented by Louis Courtoreille of Fort Vermilion. Is that tribe represented here?

Mr. LAURIE: Chief Cardinal comes from that group.

The CHAIRMAN: The next one is Narcisse Pierrot.

Mr. LAURIE: No, Boyer river, Blackfoot and Hay lakes are not represented here except in so far as Chief Cardinal may do so coming from that group.

The CHAIRMAN: Then we have Hay lakes. You have just mentioned that.

Mr. LAURIE: Yes, sir.

The CHAIRMAN: They are not represented here. I believe those are all the briefs from Alberta that have been submitted.

Mr. REID: I wanted to make sure.

The CHAIRMAN: Thank you very much. If it is your pleasure we will have Mr. Laurie introduce the next delegate.

Mr. LAURIE: Mr. Chairman and hon. members of the committee, the second speaker for the Indian Association of Alberta is Mr. Crow Eagle, a Peigan from Brocket, Alberta.

The CHAIRMAN: Would you come up this way?

Mr. Bob Crow Eagle, called:

The WITNESS: Mr. Chairman, honourable members of the joint committee: I also express my thanks and appreciation on behalf of the members of the Indian Association of Alberta for the opportunity of coming before you to present our brief.

Our president, Mr. Callihoo, has given you a summary of our ideas on education, the revised Indian Act, and of the need for greater social benefits. I hope to present our decisions on other matters of importance.

Most of the Treaty Indians in Alberta work at some form of agriculture. In the north and Edmonton districts, it is mostly mixed farming. In the south, we also raise cattle on a large scale. One of our big problems is, what can be done to get the young men started at farming or stock raising? The boys are not able to start up because they have not the means. They have to go out from the reserve to work for wages. They have very little training and cannot get good wages. They cannot very well save enough to get a start with machinery and stock.

Many bands have trust funds. These trust funds are the undivided property of all the members of the band. Then there are welfare funds or other funds which might be used to help the young fellows. Loans should be made which will help these boys. These loans will have to be made on a broad basis because the boys have no security. Co-operative farms might be set up which would give these boys work at wages or on a crop share basis. Some of the wages could be used to set up a fund to help the young man get started when he is ready.

We believe that this unemployment is serious and very discouraging.

The farm instructor is an important officer on the reserve. So much depends on this man. This man has been politically appointed in the past and sometimes a poor choice has been made. This man must be willing to help and advise the Indians; he must be friendly, polite and sympathetic to them and their problems. So his character is very important if the Treaty Indians on the reserve are going to be encouraged to develop good habits of farming and stock management. He must be a sort of partner, not just a director.

We recommend that this important office should be filled by competitive examination. The men should be chosen as practical farmers who understand farming conditions in that part of the province. They should be well paid for their work so that competent men will find this position attractive.

They should have some authority to plan and to put their plan into operation. As soon as possible, this position should be open to Treaty Indians in preference to white men. It is one position which the Treaty Indian can fill.

Our appendix on agriculture will show two things. First it will show that the average farm is too small to be of much use. It is too big for a garden and not large enough for a farm. Some land has been cultivated and then given up because the Indian has not had enough machinery or horses to work the land.

On most reserves farming is done by band owned machinery. In Alberta, the season is short. When seeding and harvest are in full swing, everybody wants this machinery at once. So somebody has to wait till all the others have finished, then it is often too late. The crop is late in ripening and the first thing which happens is that the snow comes. When summer-fallowing is going on, the same thing happens. We cannot always get our work done at the proper time. Too often we are not allowed to hire outsiders to do the work for us.

Our appendix on agriculture will show that there is very little machinery privately owned. This is true of most reserves. We do not know why the Indians have not more machinery to do their work. We recommend that they be encouraged and if necessary helped to own their own machinery. By having their own machinery, they will be able to get their work done at the right time; they will be encouraged to take greater interest in their farms. They will take good care of their own property because it is theirs.

Some reserves, especially Paul's band at Wabamun, west of Edmonton, Alexis reserve at Lac Ste. Anne, are poor reserves which are not suited to farming. These people have to work out a lot. A study of what such a reserve is good for should be made. Competent, practical farmers who understand the conditions, along with scientifically trained persons, and successful Treaty Indian farmers, should make this study.

Water is a problem that needs investigation. This is very true of the Peigan reserve, the Sarcee reserve and parts of the Stony reserve at Morley. I refer to the need of water for stock and for use in the home. Pure water is essential to good health. In these places wells cannot be dug satisfactorily because the water is too far below the surface. We recommend that wells for community use be drilled as a measure of rehabilitation on these reserves without delay.

A successful farming community is the real strength of a country. This is also true if the Indian is to make the progress that our members wish for themselves and their families and those in time to come.

Some reserves have valuable assets such as timber limits. In the past, such things have been developed by white operators. The timber limit for example was surrendered by the Indians to the government. The government disposed of the timber on behalf of the band and the revenue was placed in the trust fund of the band. The white operator made the profit if there was any and white men got the wages. The Indians did not become wage-earners. They did not get the profits. They were encouraged to be dividend drawers not self-respecting, self-supporting workers.

This association believes it is time Indians started to do this kind of work for themselves and by themselves. In the case of a timber limit, the Indians should start in to operate a mill for themselves. Key operators could be hired from outside until the Indians were well trained to do all the work themselves. This plan would have these advantages: 1. The band fund would receive more money because the profits would be paid to the band fund instead of being paid to a white operator. 2. Wages would go to the Indians themselves. 3. The Indians would be encouraged to take an interest in their business. 4. They would have work at better wages than they could get outside as day labourers. 5. They would not be forced to roam around, but would be able to set up homes on their reserves. Plans like this have been successful in parts of the United States and perhaps in British Columbia and elsewhere. Canadian Indians could do it too.

The time has come for the Indians to learn these things for themselves, to develop their own resources for themselves and by themselves. The policy of surrendering assets which could be operated by the Indians must stop now.

Close to this plan is one to help housing. A lumber pool could be established on those reserves which have lumber that could be used for building. Each Indian who wished to get lumber could get lumber from the pool. He would have to provide enough logs to pay for his lumber and the cost of operating. But he would be able to get lumber when he needed it. Housing troubles would be improved. Band funds would be increased through stumpage fees. Wages would be provided for Indian workers.

I wish to give attention to some of our conclusions about housing. We have in our appendix on housing much information which has been presented by our members on various reserves.

Most of the housing is in poor state. Our appendix will show that most houses are of one room; that they are not weather-proof because they are poorly built and in bad repair; that they are mostly log houses with not enough light; unfinished inside and without ceilings. Many of them have no proper foundation. The houses are overcrowded especially in winter. They are usually about 18 feet by 20 feet and inhabited by 5 to 10 persons of all ages and both sexes.

It is not much use to teach sanitation and health in the schools and then send the graduates home to such conditions. The age old conflict between the old customs and the new customs is made worse because the young people find it almost impossible to get new houses built in which they can practise the health principles they have learned in school.

Such houses foster disease and do not encourage high morale. The graduate soon gives up the unequal struggle because he or she has lost right from the start. Here there are no electric irons such as the girls had in school, no laundries, no refrigerators, no electric lights, no vacuum cleaners.

The members of this association agree with the Canadian Welfare Council and the Canadian Association of Social Workers that "Housing of Indians—not only appears to be less adequate than that of our Canadian population generally, but in many instances appreciably worse than that of adjacent white communities. Our Indian people, in so far as they live in settled communities, are a race of slum dwellers."

I mentioned a lumber pool a few minutes ago. Such a pool of lumber ready for use would encourage the Indian to improve and repair his house. We believe such a pool a sound suggestion for reserves, especially in northern Alberta.

Here again, please let me remind you about the problems of water to which I referred some minutes ago. Water is essential to good housekeeping and personal cleanliness.

It is true that some bands may be able to provide houses from the use of their trust funds. These lucky bands are so few that they are lost in the general picture. I wish here to refer to certain pictures which we have filed with the secretary of the committee. They come from widely different places and were not chosen especially. They are the common type of house to be found.

Full information will be found in our appendix on housing.

I shall now go on to speak of our appendix on health. The members of the Indian Association of Alberta wish to commend the work of Dr. E. L. Stone, Medical Superintendent for Alberta, Dr. Meltzer, and the staff of the Charles Camsell Hospital in Edmonton. An Indian hospital under such administration will fill a great need. Already we notice successful results.

Housing and health are closely related. I spoke of bad housing spreading disease. Tuberculosis must be checked at the place it begins—the reserve. Overcrowding, malnutrition, poor sanitary facilities all help to spread disease.

Malnutrition is very common. Gardens are not practical if there is no other form of employment on the reserve and the family has to leave for work outside the reserve. We would remind the honourable members of the committee of the work of the doctors who studied conditions in northern Manitoba and whose report is in No. 3 of the (1946) Minutes and Proceedings of the committee.

In general, the Indian Association would draw your attention to the following matters:—

1. The need of ambulance service.

On many reserves the roads are passable only in a dry summer. Ambulances cannot reach the patient and so the patient must travel by wagon, sleigh or on horseback. Such is not very satisfactory.

Some reserves need a local hospital very badly. The four reserves of the Hobbema agency have a population of about 1,300 permanent residents. The nearest hospital accommodation is at the Wetaskiwin Municipal Hospital. This is about 12 miles from the Hobbema agency. It is often crowded and no room may be available. There is no resident doctor but a doctor comes one-half day each week for Wetaskiwin. There is a small nursing station which cannot handle emergency cases. This need was brought to the attention of the Indian Affairs Branch in the Second Memorial of the Indian Association of Alberta in 1945. What would happen if an epidemic should strike?

Sarcee reserve has need of a cottage hospital. This reserve is some 10 miles from Calgary. But Calgary hospitals cannot provide enough space for the citizens of that city. The hospitals do their best but it is often impossible to take any more cases. Emergency cases are bound to happen. Such a cottage hospital should be equipped to handle maternity cases.

The members of the Indian Association are very grateful for the Charles Camsell Indian Hospital and Sanatorium in Edmonton. Edmonton is a long way for Indians from Morley, from Peigan or from the Blood reserves to travel to visit their sick relatives. Indian people cannot afford such trips very often.

This association urges the following:

1. Supplying a jeep fitted as an ambulance for the use on the reserves to bring patients to the hospital or the nursing centre.
2. Establishing a hospital and a full-time resident doctor at the Hobbema agency.
3. A cottage and maternity hospital at the Sarcee reserve.

4. Nursing stations and dispensaries on isolated reserves such as the more distant reserves of the Edmonton agency.

5. Setting up a training school for promising Indian girls to fill the gap between the time they leave the residential schools at age 16, and the time they could be ready to enter a training school for nurses which should be established in connection with the Charles Camsell Indian Hospital. Such a school should be maintained by the Department of National Health and Welfare, Indian Branch.

6. Through co-operation with the provincial health authorities an exchange of patients might be made between the Central Alberta Sanitarium near Calgary and the Charles Camsell Hospital at Edmonton so that Indian patients might be cared for at the Central Alberta Sanitarium. They would then be closer to their homes and their relatives.

Other needs of the Treaty Indians are set out in our brief and in its appendix.

In closing, I will again express the appreciation of our association for this opportunity. I wish to record the grateful appreciation of Mr. G. H. Gooderham, Inspector of Indian Agencies, to Dr. Stone, Dr. Meltzer and all who have helped us.

We ask that our representations be carefully studied and that your work, honourable members of the committee, will be successful in bringing to the Indian people a new hope and a new opportunity.

The CHAIRMAN: Thank you very much.

Now Mr. Laurie would you introduce the next delegate.

Mr. LAURIE: Mr. Chairman and honourable members of the committee, the next representative, a speaker on behalf of the unaffiliated Indians of the province of Alberta is Chief Teddy Yellowfly, Blackfoot reserve, Gleichen, Alberta.

The CHAIRMAN: Would you come up this way Chief, please.

Chief Teddy Yellowfly, Blackfoot reserve, Gleichen, Alberta called:

The CHAIRMAN: You are from where?—A. The Blackfoot reserve.

Mr. HARKNESS: Gleichen, Alberta?

The CHAIRMAN: How do you spell that?

Mr. HARKNESS: G-L-E-I-C-H-E-N.

Mr. CASE: Mr. Chairman, the word unaffiliated has been used, you are not a member of the Indian brotherhood.

Mr. CASTLEDEN: Your band is not associated with the Alberta Indian brotherhood?

Mr. MACNICOL: Is the Blackfoot not affiliated?

The WITNESS: The Blackfoot band is not associated.

Mr. MACNICOL: It is one of the largest bands in the country.

The WITNESS: It is one of the largest.

Mr. CASTLEDEN: Are you affiliated with the North American brotherhood?

The WITNESS: We are not.

Mr. CASTLEDEN: You are not, you are independent?

The WITNESS: We are independent.

The CHAIRMAN: Would you care to stand up or sit down?

The WITNESS: I will stand up. Mr. Chairman, and gentlemen, before I start with my brief I wish to mention that you are making history to-day because you are exactly in the same spot as that of those good people who made the Indian Act in those early days. Now the question is a hundred years from to-day will the Indians be looking towards your graves with clenched fists as we are to those who made the Indian Act seventy years ago?

The next thing I wish to bring up is that owing to a temporary physical impediment I am not able to speak very distinctly, and the second thing is that I am speaking in a borrowed language.

Mr. Chairman and gentlemen. At the outset I wish to state that the Joint Committee of the Senate and the House of Commons has received many briefs and representations from Indians, Indian organizations and other good people who are interested in the welfare of the Canadian Indians and their problems.

Those good people have dealt with a large variety of the Indians' problems and have offered many good suggestions on the improvement of the Indians' affairs. The representations made by those people give what might be called a graphic picture of the Indian situation at the present time. They have presented the matters adequately and better than we could have done. We endorse most heartily the representations made by those people, particularly those of the Indian Association of Alberta, an organization which, in and out of season continually strives for the betterment, not only of its own members, but of all Indians in general. In view of these things, an attempt will be made to present what we believe are the more salient of the Indians' problems. I will omit such details as statistics and the like, because they have already been given by others. I shall give only those that are necessary to explain a point.

The Joint Committee of the Senate and of the House of Commons, appointed to examine the Indian Act, is, we understand, a group of persons holding a sort of seminar conference on what might be called the Indian problem and in a spirit of mutual quest, plan with all concerned in a scientific, practical, and objective spirit, the possible future of Canada's Indians.

The Indian treaties—we must first of all distinguish and differentiate Indian treaties from the Indian Act. A large number of well-meaning people seem to think, and are of the opinion, that the treaties and the Indian Act are inseparable. The Indian treaties are regarded by the Indians as covenants between the Crown and the Indians and, as such, the solemnity of the treaties must be respected.

The treaties and the Indian Act.

The first question is why is there an Indian Act. In those early days a peculiar situation existed. The white man did not acquire the Indian and his lands through conquest, the white man acquired the now called Canadian Indian and their country by mutual agreement as is manifest in the Indian treaties.

While the Indian certainly had a culture or civilization of his own (the terms are used loosely and synonymously) he had no codified customs or what we call laws. The white man, who was the immigrant, brought with him his culture, his codified customs or laws. In those early days the main problem, primarily, was the "acculturation" of the Indian.

In view of this our contentions are as follows. The Indian Act, apart from its relationship to the treaties, is in its simplest form and purpose a codified sociological affair. We believe that fundamentally the object of the Indian Act is twofold. Firstly, the Crown through the treaties made certain promises to the Indian peoples. In order to implement those promises it was necessary to legislate or create an Act respecting Indians, and the treaties. Secondly, to enact laws designed to protect and guide the Indian during the process of his adoption and assimilation of the culture which the Indian had to assume and accept.

The assimilation by the Indian of this so-called western culture cannot be accomplished by regulation alone, but must be done in a sympathetic, understanding and qualified manner, treating the Indians as fellow Canadians with a problem to attack, not merely as a bunch of savages who must be subjugated and regimented in order to get them to do anything. To-day the conditions are different from what they were in those early days. To-day regimentation and economic frustration tend to create an attitude of dependency on the part of the Indian; this results in feelings of inferiority and inadequacy.

Tribal control and governmental regulations constantly remind the Indian of his inferior status. For example, suppose "John MuskoX" has a plan and wants to raise sheep. He must take his plan to the Indian agent. The Indian agent takes up the matter before the tribal council; the matter is discussed, the tribal council merely gives an opinion on the matter. If the agent approves the plan he must pass on his findings to the inspector for that official's approval and recommendation. The inspector in turn studies the plan; he writes back for detailed information; the information is supplied. If that official later approves the plan, he passes on the matter to the authorities in Ottawa. They in turn study the plan; they write back for more detailed information; this is given to them. If they finally approve of the plan, they suggest that a program especially for MuskoX is necessary before assistance in his plan can be effected. They then send a bunch of complicated forms for the agent to sign on behalf of "MuskoX". In the meantime, "MuskoX" has lost all ambition in his work and is lying around at home, a forlorn and dejected person.

I do not believe that the officials of the department like the idea of going through all that, but this is the system we all work under at the present time. There may be reasons for doing all this, but we do not know about them.

The Indian Act places all property of the Indian under the control and management of the Minister. Section 4 of the Indian Act reads as follows:—

The Minister of the Interior (Mines and Resources), or the head of any other department appointed for that purpose by the Governor in Council, . . . shall, as such, have the control and management of the lands and property of the Indians in Canada.

That section in part reads "shall, as such, have control and management of . . . property of the Indians in Canada." One lawyer says this can be construed to mean that the minister can tell me when to live in my house and when not to live in my own home, and that the minister can go as far as to tell me what clothes I must wear. We do not know whether this is a true interpretation or not. Those of you who are lawyers could enlighten us on the intent of that regulation.

Our contentions are the following. Tribal property must be distinguished and differentiated from an individual Indian's personal property. Personal property of an Indian should be under the control and management of the individual owner. In order to encourage free enterprise and self reliance, tribal programs and tribal effort should be distinguished and differentiated from independent and individual Indian effort. For instance, some Indians purchase their own cattle; others are given cattle, gratis. Under a tribal program, suppose the cattle are needed for consumption on the reserve, such as rations and the like, the cattle are slaughtered on the reserve. The Indian is forced to sell to the band regardless of ownership. The department sets the price the owner gets for his beef; the price of the beef is on a dressed meat basis, not on live weight. The price of the beef is always below the market or outside price of meat of the same quality and type. For example, on the Blackfoot reserve the Indians get 13 cents a pound, dressed weight, for the beef they sell to the band. Thus the Indian who bought his own cattle receives the same price as the Indian who got

his cattle for nothing, regardless of the fact that the price of the same class of beef is 19 cents a pound on the open market. These are the prices which prevailed at the end of the fiscal year ending March 31, 1947.

Tribal programs are those that are financed from either tribal funds or from government funds appropriated for that purpose; these usually are subsidized and nurtured propositions and are quite different from independent and individual Indian effort. In principle these are on the same basis as the soldier settlement plans, and as such should be under the control and management of the Indian Affairs Branch.

Autonomy on Indian Reserves.

The question is, how much authority should the tribal council have over the affairs of the tribe. Suppose a band of Indians elected a council composed, mostly, of illiterate Indians whose ideas are based fundamentally on native philosophy and concept and whose experience is limited to conditions on the reserve.

Suppose the government had a program that required long range planning before the program could produce results and at the same time was working with a council who had complete and absolute authority over all tribal affairs. What would become of that program if an election was held and a change of councillors took place?

At this point I wish to state that we do not wish to be misunderstood; we are in complete accord with others who advocate autonomy on Indian reserves. We are merely bringing up the question of how far and to what degree or measure it is advisable to allow self-government on a reserve. For instance, are we going to allow the tribal council to sell reserve lands without the consent of the tribe?

Suppose the authority of the tribal council was absolute and final, will they disregard the treaties?

Should we allow the tribal council to decide on matters of importance concerning individual Indian welfare, such as enfranchisement of Indians, against their wishes?

Should the council be given complete control of all tribal affairs? For instance, the Blackfoot Indians have a band fund amounting to over \$2,000,000. Is it advisable to give the council unrestricted use of that money?

I believe that it is necessary to mention that I did not know until four days before I left that I was selected to represent the unaffiliated Indians of Alberta. I mention this because I am not presenting matters as fully as I would have done if I had been given ample time to work on those matters.

Our suggestion in regard to tribal affairs are as follows: The sale and lease of reserve lands to persons other than treaty Indians should be made only by a majority of the Indians who are eligible to vote and who are members of that reserve.

Capital funds of a band of Indians should be under the control and management of the department which is the trustee of that fund.

Revenue and income derived from interest on capital funds, rentals from leases of reserve lands and other monies that are regarded as income should be made accessible and available to the tribal council for distribution amongst the members of the reserve or for use in programs and other matters pertaining to the advancement and welfare of the Indians on that reserve.

Free enterprise should be encouraged by giving individual Indians who work independently of tribal programs complete freedom in the disposal of their own products, such as farm products, cattle, and the like.

I come now to the important matter of educating the Indian. In Alberta a large majority of the Indians still speak and think in terms of native vocabulary and phraseology. I will explain later on how this affects the Indian in school work, particularly Indian children who still speak and think in a native

state of mind. When we talk about and discuss education of the Indian some of us are apt to think only of "the three R's". We must remind ourselves that there are other things just as important as those three R's.

If the object is to educate and develop the Indians into good and useful Canadian citizens—that, I hope, is the object—then you must think in broader terms than the three R's. The spiritual, intellectual, moral, physical and recreational life of the Indian must be included and should be an essential part of any program designed to educate the Indian. It is better at this point to make an attempt to explain how and why concepts based on terms of native vocabulary can retard the process of educating the Indian. For instance, an Indian child enters a school or any institution of learning. That Indian goes there with a native state of mind. He is thinking, fundamentally, in terms of native vocabulary and concept or, in other words, that Indian is thinking in his own language. A language foreign to his own is introduced to him. Reading and writing in that language are introduced to him. The Indian is taught a system of reading and writing that involves the use of nouns, verbs, adverbs and adjectives, and other parts of speech. At the same time, in his native state of mind, that Indian is thinking of characters, symbols and hieroglyphics, these being used in his own system of writing. But the teacher at the same time, is judging the work of the Indian in the light of the teacher's own experience and background. At this point I will mention, as you have probably already heard from other sources, that the authorities at Ottawa have adopted a system of education that is being practised in most schools in Alberta. That system allows class room work only in the mornings, or a matter of two and a half hours per school day. The rest of the day is devoted to what is supposed to be vocational training. That training consists mainly of chores around the school. I shall deal with the schools later on. I wandered away from the topic purposely to show how hard it is to teach Indian children under a system like that, particularly when it is necessary and essential for the Indian child to think in the white man's language in order to solve the problems that he has to meet in his school life.

During the first few years the Indian child is attending school the child must first learn the language that he must use to solve all the problems involved in his school work. During that period the Indian child must translate in his own mind all English ideas into native thought in order to solve and understand the meaning of the matter. This process goes on and continues until the child has a working knowledge of the English language. It can readily be seen that it is unreasonable to assume that the Indian child can learn in half the time subjects taught to white children in the neighborhood. In other words, the white child, with all its background and environment, has five to six hours a day compared with the Indian child's two and a half hours in the class room.

In the discussion of residential and day schools we must consider the following factors.

The nomadic habits of certain tribes of Indians.

The economic conditions on a reserve.

Health conditions on the reserve.

Environment and building up of character.

Education and curriculum can be adjusted and adapted to the requirements of any type of school. The type of school depends largely on the conditions on a reserve. On a densely populated reserve or on a reserve where it is only necessary to teach the Indian the three R's, as the saying goes, the day school could be operated in a satisfactory manner. On the other hand, there are reserves in Canada where the Indians make their living by trapping and hunting, and in others by farming and ranching in widely separated areas on a reserve.

Then there are reserves where health is an important factor. On reserves such as these there can be no school other than the residential school.

We do not know of a residential school operated by the government. Hence there is no criteria by which we may compare an Indian residential school operated by the government and one operated by the churches. In the absence of such a criterion, we suggest that the government do operate one residential school in each of the provinces, the school to be located on a reserve where conditions are favorable to the operation of such a school. Posterity will show the results of that school. If the results prove that the government operated school is doing a better job of educating the Indian, but the church is producing a better type of Indian, the course to follow would then be based on the matter learned from the two schools.

Section 10, subsection 2 of the Indian Act, in part, reads as follows:

"No Protestant child shall be assigned to a Roman Catholic school. No Roman Catholic child shall be assigned to a Protestant school..."

That regulation overlooks the fact that some Indians very definitely have a religion of their own, which to them contains deep beauty and consolation. If an Indian is an adherent to his native religion, what are you going to do with his children? In a country that advocates freedom of religion, are you going to force that Indian to become a hypocrite by assuming a veneer of either of the religions mentioned in the Act, particularly if he is a better Indian by respecting the sanctity of his real beliefs? The government operated school would be the school for that Indian's children.

I wish now to make a few suggestions concerning the Indian school. As I said before, there have been many suggestions concerning the school and I do not wish to bore you by repeating those suggestions. We would say we are in full accord with those suggestions which are found to be feasible and proper for Indian schools in Canada. We would like to add to those suggestions that provision should be made for the giving of lectures on special subjects by persons qualified to talk on the subject, for example, lectures on social hygiene would be given by the reservation doctor to the boys and the matron of the Indian hospital would give the lectures to the girls.

I now come to the matter of the encroachment of white persons on the Indian reserves. I will refer only to the treaties. In Morris, *Treaties of Canada with the Indians*, at page 268, the chief commissioner on September 17, 1877, while negotiating the treaty, made this statement:

"A reserve of land will be set apart for yourselves and your cattle upon which none others will be permitted to encroach."

The treaty was signed five days afterwards. It was on conditions such as the above that the Indians signed the treaty. We believe the above defines very clearly the course we must follow.

Gentlemen, I wish to apologise for the rather promiscuous manner in which this brief was prepared but I had only about 48 hours to prepare something, so I hope you will excuse the manner in which it was prepared, and presented.

The CHAIRMAN: We appreciate very much your coming before this committee with this brief, even although the notice was not very long. We must apologise, of course, on behalf of the committee, but there was some difficulty in picking the representatives from the various provinces in order to ensure a full representation from all the Indians in that particular province. The time at our disposal also is very limited. I think a great deal of the difficulty is the fault of our committee, but I think it was quite unavoidable.

The WITNESS: I quite understand, Mr. Chairman.

Mr. CASTLEDEN: I think, Mr. Chairman, you would express the opinion of the committee if you said the chief did not need to apologize for his very excellent brief, or his presentation.

Mr. MACNICOL: Before one o'clock, would it be possible to have each one of the witnesses give us the origin of his tribal names? Chief Yellowfly has made such a splendid report, I am sure he would be able to give an intelligent answer to the question concerning the name, "Blackfeet"?

The WITNESS: There has been a controversy over that but the commonly accepted version is that it was not owing to any prairie fires, but was due to the colour of the soil. We have a black loam and, together with those famous winds which we have in that part of the country there is a lot of dust and black soil blowing about which blackened the moccasins of the Blackfeet, whereas in the bush country, as you might say, the real estate was rather permanent and did not fly all over one's clothes.

Mr. MACNICOL: May we have the same information from the previous witnesses as to their tribal names? .

The CHAIRMAN: Chief Crow Eagle, could you give us the derivation or etymology of your tribal name, the Peigan tribe?

The WITNESS: May I explain that there is a tribe of Blackfeet. Blood and Peigan are clan names and Blackfeet is the tribal name. Blood and Peigan merely designate the clan, the same as MacDonalds, MacKenzies, MacNicol's and so on.

Mr. MACNICOL: What is the significance of the word "Blood"?

The WITNESS: That, I am not prepared to answer.

Mr. MACNICOL: Would you admit what a Blood Indian told me out at Cardston? I said, "Why do you call yourselves Blood?" He said, "You know, when a rich man has a young son who is a sport around town they call him a young blood; another man has a fast horse and they call him a 'blood' horse. We are the 'bloods' of the Indians."

The WITNESS: I prefer not to start a feud.

Mr. MACNICOL: Can anyone give us the origin of the name "Peigan"? When I visit the tribes, I like to enquire as to the origin of the name.

The CHAIRMAN: Mr. Gladstone, do you know?

Mr. GLADSTONE: The Bloods liked to cook the blood of the animals they killed and that is why they were called "Blood".

Mr. MACNICOL: When I asked out on the Blood reservation why the Blackfeet were called Blackfeet, the man to whom I spoke told me it was because, up in that part of the country, they had so many prairie fires and they walked through the blackened material which blackened their feet. Therefore, they called them Blackfeet.

The CHAIRMAN: I do not think it would be well to start the interrogation of the witnesses at this stage. The representatives will be here again tomorrow. Now, is it your pleasure to have a session this afternoon or shall we take the day to digest what has been given to us? As you know, this being Monday, a number of the committee members are not in attendance. Many of them will not return to the city until about one o'clock to-day.

Mr. MACNICOL: It will take us all our spare time to digest the briefs.

The CHAIRMAN: The Senate will also be back tomorrow so our joint-chairman will be with us then.

Mr. BRYCE: Will there be ample time without sitting this afternoon?

The CHAIRMAN: That all depends on the members of the committee. Could we say we will sit tomorrow morning and afternoon if necessary?

Mr. CASE: Your purpose is to have tomorrow for the examination of witnesses?

The CHAIRMAN: Yes.

Mr. RICHARD: How many more representatives are to be heard?

The CHAIRMAN: You have heard all the delegates now.

Mr. RICHARD: If the senators are here tomorrow, they will be here only for the questioning.

The CHAIRMAN: Other members of the delegation are here for the purpose of answering any questions that cannot be answered by the delegates—the official delegates.

Mr. MACNICOL: I would first like to digest the brief.

The CHAIRMAN: It is now five to one, shall we call it at one o'clock?

Mr. CASTLEDEN: I was wondering if you have put your recommendation in the summary, a very fine summary it is. Have you made any specific recommendations with respect to any sections of the Act and the manner in which you want them carried out with respect to changes.

The WITNESS: Yes, they are in the brief.

Mr. CASE: Mr. Chairman, these briefs are fairly complete and I rather feel we will complete our cross-examination in time, but there has been the suggestion we might meet at 10.30 a.m. tomorrow. Do you suppose that would meet with any success?

Mr. BRYCE: No, I do not think it would, we have our work planned.

The CHAIRMAN: The suggestion has been made that we meet at 10.30 a.m. tomorrow. I am in the hands of the committee. If I might express a personal opinion I do not think it is exactly fair to the members because of the fact we have so much other work to do and it is rather difficult to meet before 11 o'clock.

Mr. CASE: Eleven o'clock suits me better.

The CHAIRMAN: If it is agreeable we will meet at 11.00 o'clock tomorrow morning.

The committee adjourned at 1.00 o'clock p.m. to meet again Tuesday next, April 22, 1947, at 11.00 o'clock a.m.

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APPENDIX EK

Judges' Chambers

THE SUPREME COURT OF ALBERTA

The Court House,
Calgary, Alberta
August 7, 1944.

The Honourable T. A. CRERAR,
Minister of Mines and Resources,
Ottawa, Canada.

SIR,—I have the honour to present my report following an enquiry directed under Section 18 of The Indian Act, Chapter 98, Revised Statutes of Canada, 1927, and amendments thereto, and in accordance with the commission issued to me under order of the Governor in Council of the 19th of May, 1944.

In the course of my investigation I held sittings at the following places: Wabasca, from June 12 to June 17; Whitefish Lake on June 17; Lubicon Lake on June 18; Brownvale on June 19; Horse Lakes and Clear Hills on June 21; Sturgeon Lake on June 22; Grouard and Sucker Creek on June 23; Driftpile on June 24; Kinuso on June 26 and Slave Lake on June 26. Owing to transportation difficulties I was unable to visit Hay Lake, Little Red River or Fort Vermilion.

I found it necessary to dispense with the services of a Court Reporter because of limited accommodation in the plane. However, immediately on our return to Edmonton on the morning of June 27, I conferred with counsel representing the Department, and the individuals removed from the band rolls, compared my notes with their notes of evidence, and with their assistance dictated the evidence to a stenographer who transcribed it, and the book containing the typewritten evidence is forwarded with this report. Counsel desired an opportunity to examine the evidence as well as Departmental documents and correspondence, and the Inquiry was adjourned to be resumed at Edmonton on July 17. I sat in Edmonton on July 17 and 18 when the evidence was reviewed and discussed, and the issues involved were argued by Counsel. Mr. D. J. Allan, Superintendent of Reserves and Trusts, was also in attendance, and I wish to express my appreciation of his assistance.

It would appear that whenever it became necessary or expedient to extinguish Indian rights in any specified territory, the fact that Halfbreeds also had rights by virtue of their Indian blood was invariably recognized. These rights co-existed with the rights of the Indians. It was considered advisable wherever possible to extinguish the rights of Halfbreeds and Indians by giving them compensation concurrently.

It is well known that among the aboriginal inhabitants there were many individuals of mixed blood who were not properly speaking Halfbreeds. Persons of mixed blood who became identified with the Indians, lived with them, spoke their language and followed the Indian way of life, were recognized as Indians. The fact that there was white blood in their veins was no bar to their admission into the Indian bands among whom they resided.

In negotiating the various Indian treaties from time to time the aboriginal inhabitants of mixed blood were given the right to elect whether to take treaty or scrip. This is clearly shown in the report of the Indian Commissioner, W. M. Simpson, who negotiated Treaties numbered 1 and 2. He points out that very

few of those known to be halfbreeds took the land grant because they preferred to "receive such benefits as may accrue to them under the Indian Treaty than wait the realization of any value in their halfbreed grant". As late as 1921 when Treaty No. 11 was concluded, the same course was followed and the report of the Committee of the Privy Council (P.C. 1172) with respect thereto contains the following:—

It is estimated that there are about fifteen families of Half-breeds resident in that territory who will have to be treated with. The other Half-breeds in this country consisting approximately of seventy-five families mostly living the Indian mode of life, it is anticipated will, in their own interests, be taken into treaty.

When Treaty No. 8, with which we are more directly concerned in this inquiry, was concluded in 1899, a large proportion of those admitted into treaty at that time were of mixed blood. Apparently the policy of the Department which had charge of Indian Affairs at that date was to give treaty rather than scrip to Halfbreeds who lived as Indians on Reserves. In his letter of May 1, 1901, to The Honourable Clifford Sifton, Minister of the Interior, the Scrip Commissioner, J. A. J. McKenna, has this to say:—

You decided that Halfbreeds living on reserves as Indians should be given treaty instead of scrip . . . It seems to me undesirable that there should be upon reserves any but treaty Indians. The Department has in the past taken back many Halfbreeds who received scrip into treaty and has held their annuity until the amount of the scrip was recouped.

He proceeds to recommend that a certain individual who had been in treaty, was discharged therefrom and given scrip, should, together with his wife, be given the option of taking treaty.

It is clear from the foregoing citations that mixed blood did not necessarily establish white status, nor did it bar an individual from admission into treaty. The welfare of the individual and his own desires in the matter were given due weight, no cast-iron rule was adopted.

In his report dated May 31, 1901, approved by Order P.C. 1182, Commissioner McKenna says:—

I have taken it that everyone, irrespective of the portion of Indian blood which he may have, who enters into treaty, becomes an Indian in the eye of the law and should, therefore, be treated as an Indian both by the Department of the Interior and the Department of Indian Affairs.

I am quite unable to reconcile this definite pronouncement with the view that individuals of mixed blood who have been in treaty for a great many years can now be removed from the band rolls and from the reserves on which their lives have been spent, on the ground that they are not now and never have been Indians.

It seems to me that the meaning of the word "Indian" is sometimes unduly restricted. The contention was made in the case of *The Queen v. Howson*, 1 Terr. L. R. page 492, that the words "of Indian blood" in the definition of "Indian" under the Indian Act, meant full Indian blood. This argument was rejected by the Court. The evidence established that the person to whom the defendant had supplied liquor was a Halfbreed, the son of an Indian mother by a white man. It was argued that the blood of the father should govern and should determine the status of the son. This contention was also rejected. Moreover, while it is clear that an Indian woman who marries a white man ceases to be an Indian under the Act, the Court held that this did not affect her blood which she transmitted to her son. I quote the following extract from the judgment of the Court:—

It is notorious that there are persons in these bands who are not full blooded Indians, who are possessed of Caucasian blood, in many of them the Caucasian blood very largely predominates, but whose associations, habits, modes of life and surroundings generally are essentially Indian, and the intention of the Legislature is to bring such persons within the provisions and object of the Act, and the definition is given to the word "Indian" as aforesaid with that object.

The Commissioners who negotiated Treaty No. 8 observe that while the Indians of the North are further advanced in civilization than other Indians were when treaties were negotiated with them, nevertheless they stand as much in need of protection afforded by the law to aborigines as do any other Indians of the country, and are as fit subjects for the paternal care of the Government.

It is a reasonable inference from the evidence that no striking change in the condition of these people has taken place in the years that have intervened since the treaty was signed. They are still fit subjects for the paternal care of the Government.

An Indian treaty, or for that matter any formal arrangement entered into with a primitive and unlettered people, should not be construed according to strict or technical rules of construction. So far as it is reasonably possible, it should be read in the sense in which it is understood by the Indians themselves. When Treaty No. 8 was signed the Indians were well aware that the Government took a broad and liberal view with respect to the class of persons eligible for treaty. Many of them taken into treaty at that time were themselves of mixed blood. They knew that individuals of mixed blood who had adopted the Indian way of life were encouraged to take treaty. They cannot reconcile the removal from the band rolls of a large number of individuals who have been in treaty for many years, with their understanding of the situation as it existed when the treaty was signed.

The Indian Act is loosely drawn and is replete with inconsistencies. I venture to say that flexibility rather than rigidity and elasticity rather than a strict and narrow view should govern its interpretation.

I can find no justification for the view that delay in applying for treaty is or ever was an effective bar to admission into treaty. The correspondence marked Exhibit 6, as well as numerous other letters on the files of the Department make it clear that up to and including September, 1932, the Department was prepared to give favourable consideration to requests for admission into treaty by Indians living in different parts of the territory covered by Treaty No. 8.

Apart from particular classes or groups with which I will deal later on, I find the individuals listed in the document hereto annexed and marked "Document No. 1" are entitled to membership in their respective bands and to share in the properties and annuities thereof.

Scrip

I have considered with care the position of persons who took scrip. There have been rumours down the years that Halfbreeds were frequently victimized by unscrupulous speculators and that in some cases scrip was issued on forged applications. I mention this merely to say that I have no opportunity at all to probe this phase of the question, and that so far as I know I am dealing with cases where scrip was issued pursuant to a bona fide application therefor.

Ordinarily the issue of scrip to an individual bars his right to treaty. This appears to be the view by the Department for many years. When an Indian or Halfbreed takes scrip his aboriginal rights are extinguished and, strictly speaking, that is the end of the matter. However, the practice followed in the years immediately following the conclusion of Treaty No. 8, makes it clear that the Government did not take the position that the issue of scrip was an

insuperable bar to treaty. A good deal of latitude was allowed in switching from scrip to treaty and vice versa. Where a person who had taken scrip subsequently applied for and was admitted into treaty, it would appear his admission in some cases at least was made subject to terms.

I have had some difficulty in determining who in fact took scrip. The viva voce evidence was not conclusive in some cases and it appears to be difficult, if not impossible, to obtain this information from Departmental files.

Subject to observations later on in this report, with respect to particular classes. I find that the individuals listed in the document hereto annexed and marked "Document No. 2", have taken scrip and by reason of this fact are not ordinarily eligible for treaty.

Illegitimate Children of Male Treaty Indians

I do not see any justification for the exclusion from band membership of illegitimate children of male treaty Indians. Such a child is an Indian under Section 2, ss (d) (II) of The Indian Act. "Any child of such person" should not be restricted to a legitimate child. There may be difficulty in establishing paternity but once it is shown that the father is a treaty Indian his illegitimate child is entitled to band membership. Section 12 of the Act assumes that an illegitimate child is entitled to membership in the band to which its father belongs. If it were otherwise there would be no necessity to confer power on the Minister to exclude it from membership under certain circumstances.

If the illegitimate child has, with the consent of the band, shared in the "distribution moneys" of the band for a period exceeding two years, there is no authority to exclude it from membership. The term "distribution moneys" is general in its scope and includes the annuities to which members of the band are entitled and which is distributed amongst them annually. An illegitimate child who has been paid annuity for the period prescribed and has brought itself within the other requirements of the section cannot be disturbed.

I find that the persons listed in the document hereto annexed and marked "Document No. 3" (not printed herewith) are entitled to membership in their respective bands, and to share in its property and annuities.

Adoptions

The usual procedure leading to legal adoption in this Province has been complied with in only two cases. The rest of the cases are natural adoptions without resort to the formalities prescribed by Provincial law. There is no suggestion that these adoptions are not bona fides. The usual case is simply that of some unfortunate child who was taken in its early infancy by some compassionate neighbour or relative who supplied it with food, clothing, and shelter, and reared it according to the Indian way of life. The child is taken into treaty and paid year after year with the consent of the band. It is placed on the band rolls by the Government's local agent, and he or some Government official makes the annual payments. Its life is thus designed and circumscribed after the Indian fashion with the knowledge and assistance of officials of the Department. Then after many years, in some cases after the child has grown to manhood, married and has a family of his own, he is informed that he is not entitled to be on the band rolls, that he must remove himself and his family from the reserve, that he must seek his livelihood elsewhere and earn it presumably by arts he has never had an opportunity to acquire.

In many instances members of this class who have been removed from the rolls are male persons of Indian blood who have belonged to a band since their infancy. They are Indians within the interpretation of the term which was accepted without reservation when Treaty No. 8 was negotiated. They are Indians also within the meaning of The Indian Act. They are Indians furthermore because, without any suggestion of misrepresentation, they have been

taken into treaty and, as Mr. McKenna's report of May 31, 1901, approved under P.C. 1182, says:—

Everyone, irrespective of the portion of Indian blood which he may have, who enters treaty becomes an Indian in the eye of the law and should therefore be treated as an Indian, both by the Department of the Interior and the Department of Indian Affairs.

Apart from all this, every instinct of natural justice proclaims that under all the circumstances, they should be treated as the children of their adopting parents, restored to the band rolls, and allowed to share in the property and annuities of their respective bands.

A list of members of this class is annexed hereto and marked "Document No. 4" (not printed herewith).

Miscellaneous Cases

There are a number of cases to which special attention is directed.

1. No. 1, Driftpile—Joe Morin, a soldier overseas. His case should stand until his return.

2. No. 49, Sawridge—Archie Sowan, a soldier overseas, and his case should stand until his return.

3. No. 100, Driftpile—Angus McGillis. This case is covered on page 182 of the evidence. He appears to be a hopeless cripple and quite unable to support himself.

4. No. 64, Swan River—Edward Anderson. His case is dealt with on page 198 of the evidence. He is also crippled and has to use a crutch. In my view he is an Indian under the Act.

5. No. 47, Sucker Creek—Julien Belcourt. It is clear that there was correspondence with the Department in 1924 with respect to this case, and a number of other cases. In view of the warning in the letters of the Department, dated November 7, 1924, and December 17, 1924, it seems incredible that the local agent would on his own responsibility allow this person to remain in treaty. I am inclined to think there must be further correspondence on this case and it should be allowed to stand pending a further search.

Sucker Creek cases Nos. 49, 55, 104, 105, 75 and 97, and No. 64 Swan River, are in the same position as No. 47 referred to above. These people have been in treaty since 1924.

6. No. 388, Wabasca, Ned Gambler, or Gladu. His case is covered on page 62 of the evidence. On May 27, 1937, the local Indian Agent wrote the Department stating that Ned Gambler had applied for reinstatement. He forwarded with this letter an exhaustive history of the case. On December 2, 1937, the Department replied advising that Gambler might be readmitted into the Sucker Creek band. On November 13, 1940, the Department approved the transfer of Gambler and his family from Sucker Creek to Wabasca Bigstone band. Re-admission into treaty after full investigation and with the approval of the Department should carry with it a larger measure of security than this case appears to afford.

7. No. 94, Wabasca. Daniel Houle, and 5 children. These are illegitimate children of Marie Papastes, or Cardinal, a treaty Indian, and should be restored to band rolls.

8. No. 358, Wabasca, Jean Baptiste Houle, illegitimate son of Marie Papastes, or Cardinal, a treaty Indian, and should be restored to band rolls.

9. No. 225, Wabasca. Mrs. Adelaide Savard, placed on rolls under authority of letter February 22, 1941, and should be restored to rolls.

It seems to me that in the organization which has been designed and instituted to handle Indian affairs, any local agent who familiarizes himself with the local situation, who is in close touch with local problems as they arise

from day to day, and who understands the character and mentality of the Indian, is still a very important official. Centralized supervision there must always be, of course, and centralized control to a degree as well, but the reins should not be tightly drawn. The Indian is no more amenable than is the white man to long-distance government.

The authority of the Government to deal with all aspects of Indian affairs is as ample and complete today as it was in 1899 when Treaty No. 8 was signed. When individuals of mixed blood are admitted to treaty from time to time by the local agent with the approval, either express or implied, of the Department, it seems to me that their status, especially after the lapse of many years, should be held to be fixed and determined. This was the course recommended and approved in the years immediately following the treaty. These individuals acquire rights under the treaty and under the Indian Act, and these rights should not be lightly disturbed. They should have the same security of tenure and the same protection in the enjoyment of property rights, no matter how circumscribed these rights may be, as is accorded any other citizen of the nation.

I wish to express my appreciation of the great assistance I received from J. F. Lymburn, K.C., Counsel for the Department, and Mr. H. G. Johnson, Counsel for persons removed from the band rolls, as well as for the courteous consideration and assistance received from Mr. M. McCrimmon and Constable Skead.

I have the honour to be, Sir,

Your obedient servant,

(Sgd.) W. A. MACDONALD,
Commissioner.

BIGSTONE BAND

Document No. 1

Wabasca

<i>No.</i>		<i>No. of Persons</i>
336.	Ossimeemas, Wife, Johny, Mary Rose.....	4
337.	Samuel Noskiye, son of 336.....	1
338.	Sophie Noskiye, sister of 337.....	1
353.	Archie Yessew, grandson of 336.....	1
175.	Widow M. Netowastanum, George, Harry, She is daughter of Okema..	3
223.	Napasis Okemov, wife of Okema, children.....	10
230.	Tuccatut Okemov, wife, 5 children.....	7
184.	Francois Bow-Noskiye, children	4
322.	Andre Noskiye, wife, children.....	9
306.	Ben Paul Noskiye, Mabel.....	2
190.	Wid. Andre Noskiye—8 illegitimate children of woman of Indian status	8
341.	Harry Letendre, 3 children. Unless it is shown his father took scrip, he is entitled to be on the band rolls.....	4
339.	Roger Letendre, wife, 2 children. He is a brother of No. 341 and in the same position. See letter Const. Skead July 4, 1944.....	4
37.	Wid. Joseph Carifer, and Harvey. Harvey is son of Harry Letendre, No. 341, and legitimized by subsequent marriage of parents....	1
221.	Johny Laboucan, wife, 7 children	9
294.	Adolph Laboucan, wife, 7 children.....	9
344.	Pierre Laboucan, Therese, Norman.....	3
330.	Marie Laboucan, 4 illegitimate children. The foregoing Nos. 221, 294, 344 are brothers and 330 is a sister. They are children of Sam Laboucan who died in 1941. The evidence establishes the father of these children did not take scrip. They are all entitled to be in treaty, including the 4 illegitimate children of Marie.....	5

No.		No. of Persons
350.	Absolum Laboucan, son of 221.....	1
214.	Joseph Loonskin and wife. Illegitimate and of Indian status.....	2
131.	Paul Loonskin, wife, 4 children. Son of No. 214.....	6
197.	Louis Loonskin. Son of 214.....	1
198.	Alex Loonskin. Son of No. 214.....	1
153.	Jean M. Yellowknee, 5 children. He is a treaty Indian and acknowledges the 5 illegitimate children are his; children qualify through father	6
282.	Francois Crow Gambler, wife, 2 children. Illegitimate son of Treaty Indian	4
364.	Julien Gamble. Legitimized by subsequent marriage and father of Treaty Indian	1
212.	George Auger, Junior. Illegitimate, father and mother both Treaty Indians	1
271.	Mrs. Mary Belhomme. 4 children. She is of Indian status and children illegitimate	5
274.	Pierre St. Arnauld. 4 children. Illegitimate son of woman of Indian status	5
313.	Miss Elsie Oar, 3 children. She is of Indian status, and her illegitimate children qualify through her or through father.....	4
115.	Oliver Cardinal, and children.....	6
237.	John Cardinal, son of No. 115. Oliver has been in treaty since 1912, and John, who is about 33 years old, has been in treaty about 30 years. The evidence of scrip is not convincing, particularly as Oliver's mother was named Desjarlais, and the mother of the Oliver who took scrip was Courterielle.....	1

CREE BAND

Little Red River

72.	Chilouis Noskiye. 3 children. Indian status.....	4
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CREE BAND

Whitefish Lake

19.	Jimmy Grey—Is of Indian status, illegitimate son of Amelia Grey, an Indian, prior to her marriage to Cunningham. The dispute here is with respect to Johnny Grey or Taswaw, son of Philip Taswaw. Johnny is entitled to membership.....	1
63.	Thomas Laboucan—He is in membership, but Alice Sowan, who is on his ticket, is off. Her father took scrip.....	1
69.	Philip Taswaw, and David	2
77.	Colin Laboucan and family	11
111.	Elzear Ominayak—Sammy. This number concerns Sammy, illegitimate son of Indian father and halfbreed mother. Qualifies for membership through father.	

CREE BAND

Lubicon Lake

7.	Alexis Laboucan, Wife, Pierre, George—Indian Status.....	4
34.	Albert Ward, wife, 5 children.....	7
35.	Delphis Ward. Son of No. 34.....	1
37.	Charlie Ward, wife, 7 children.....	9
11.	Frank Auger, wife, 2 children.....	4
13.	Joe Auger and 3 children. Son of No. 11.....	4
6.	Edward Laboucan and children.....	7
32.	Stan Whitehead and 5 children—No evidence his father took scrip for him. He was born before treaty.....	6
36.	Pierre Napichitawaw, Angehque—Pierre is of Indian status. Angelique is dead.	2
27.	Gabriel Surprenant, and 5 children—If father did not take scrip on behalf of Gabriel, then he is entitled to membership.....	6

SPECIAL JOINT COMMITTEE

DUNCAN BAND

Document No. 1
No. of persons

No.

Brownvale

53. Raymond Surprenant. His father is dead, was not in treaty, nor did he take scrip so far as I can find out. Letter April 13, 1933, authorizes transfer and approval of Council, February 17, 1937. Should be restored to membership. 1
61. Mrs. Cecilia Harris—She is a sister of No. 53 and has married a halfbreed who is in the army. She is entitled to annuity. 1

BEAVER BAND

Horse Lakes and Clear Hills

68. Felix La Glace—Woman, 8 children. Illegitimate children of male treaty Indian, and qualify through father. 9
109. Mabel Walker—Illegitimate child of Eva Gladu, an Indian, before her marriage. She is entitled to be on rolls and her illegitimate children as well. 1

CREE BAND

Sturgeon Lake

78. Christina Standing Ribbon—No evidence her father took scrip, and he was born before 1899 and eligible for treaty. 1
83. Magloire Standing Ribbon—6 children. He was born before 1899, and no evidence of scrip. 7
145. Alexis Standing Ribbon, and wife. Son of No. 83, also entitled to membership. 2
84. Elie Mitchell. Born before treaty and no evidence his father took scrip for him.
105. Henry Moosoos. 5 children. Son of Vital Larocque who was in treaty under Treaty No. 6, and in treaty here for 24 years although no proper transfer obtained. 6
87. William Mitchell. 5 children. His daughter, Elsie, is legitimate, but his wife left him and has 4 illegitimate children by a treaty Indian. These children will qualify for membership through the father. 6
103. Frank Mitchell, wife and 7 children. This man is a brother of Elie Mitchell, No. 84. No evidence his father took scrip. 9

KINOOSAYO BAND

Sucker Creek

30. Archie Cardinal—Marvin. Has been restored to membership. 1
35. Frederick Prince. 4 children. See letter May 2, 1934, File 62-131, Vol. 2 4
70. Irene and Francis Gambler. Illegitimate children of treaty Indian father. 2
73. Daniel Willier's children. The child Theodore is illegitimate. Son of a treaty Indian and entitled to membership. I understand Alvina Rose was not removed from the rolls. 1
110. Alice Andrews, Michael and Aline. Michael is illegitimate, son of Joe Badger, a treaty Indian. Haleron, a treaty Indian, is father of the two younger children. All three entitled to membership through the father. 3

KINOOSAYO BAND

Driftpile

83. Robert Walker, wife. Son of treaty Indian, and legitimized by subsequent marriage of his father to his mother. 2
110. { Archie Courtoreille, wife. 4 children. 6
137. { George Courtoreille. These two are sons of Alex Courtoreille, who was in treaty under Treaty No. 6 and never properly transferred to Treaty 8. He seems to be of Indian status and entitled to transfer and his sons qualify for membership through him. 1
12. Emile and Jacques Campion. Illegitimate children of woman of Indian status. 2
64. Mrs. Maria Collins and children. Nellie Jane and Henry are illegitimate children of Mrs. Collins by a treaty Indian and qualify for membership through father. 2

Document No. 1

No. of Persons

No.		
104.	Harry No Hat and stepson, Charlie No Hat. This stepson is illegitimate son of Vitalline Belcourt, now the wife of Harry No Hat. The father of Charlie was Gerry Mustus, a treaty Indian and the boy qualifies through his father.	1
96.	William Ashley, Jr., and children. He is illegitimate son of a woman of Indian status.	3
88.	William Ashley Sr.'s children. See letter Indian Agent, Feb. 16, 1932, and letter from Department in reply Feb. 25, 1932. There should be a reasonable degree of finality in matters of this kind.	3
51.	George Hamelin, Bertha Hamelin. In treaty here for 36 years and under Treaty No. 6 before then. If formal transfer lacking, should be attended to but should not be removed from rolls.	2

KINOOSAYO BAND

Sowan River

42.	Wilfred Hamelin. The only difficulty is to determine if proper transfer of his father, George Hamelin, No. 51, Driftpile, was effected.	1
43.	Joseph and Lena Sowan. Illegitimate children of treaty Indian father; and mother was also Indian but lost status by marriage to a white man, from whom she separated, and went to live with Sowan, the father of these two children.	2
59.	Mrs. Mary Sowan. She is illegitimate daughter of Joseph Sowan, a treaty Indian, and Harriett Benton who was of Indian status but lost it, by marriage to a white man. She is entitled to qualify for membership in the band through her father. She has married a halfbreed and has applied for commutation.	1

Document No. 2.

SCRIP CASES

Vabasca

No.	
291.	David Richards
340.	Arnold Cardinal
232.	Gabriel Merrier
379.	Jean Baptiste Cardinal
395.	Delphis Villeneuve
315.	Joe Giroux. Not within territory of Treaty 8.
401.	Adam Grasshead or Cardinal
394.	Joe Houle and Francois and George
293.	Pierre Merrier
321.	Alfred Auger
389.	Narcisse Auger
397.	Bernard Houle
129.	Thomas Francis Auger
243.	Joseph Cardinal
207.	Max D'Or
378.	Jean Beaver
409.	Eva Houle and boy
399.	Paul Powder
400.	Julien Auger-Nikik
404.	George Guilion
405.	Edward Auger
406.	Alexander Boskayous
408.	Clement Powder
407.	Edwin Boskayous

Whitefish Lake

No.	
107.	Oliver Greyeyes
66.	Philip Lamouche
95.	Sylvester Hamelin
96.	Thomas Bone and Clarence Carifer
92.	Mrs. E. Cunningham, Helen and Ray
58.	Mrs. Ambrose Cardinal, Jeremy, May
63.	Alice Sowan, on ticket of Thomas Laboucan
153.	Joseph Sowan
75.	Children of Wid. Elize Courtoreille

Lubicon Lake

No.

- 24. Fred Whitehead
- 5. Leo Thunder and Nellie Jane
- 23. David Laboucan
- 38. Felix Laboucan
- 39. Petit Paul Laboucan

Horse Lakes and Clear Hills

No.

- 81. Adam Kenny, wife, child
- 92. Felix Joachim, and children

Sturgeon Lake

No.

- 15. Moise Noskiye
- 94. Albert Badger and children
- 98. Dieudonne Noskiye
- 100. Wid. George Thomas
- 102. George Thomas
- 106. Henriette Thomas
- 108. Joe AwasisNeas
- 123. Pierre Mannitiers
- 156. Philip Campbell

Sucker Creek

No.

- 69. Frank Gladu
- 99. Jimmy Gladu and Jean

Driftpile

No.

- 8. Delphin Morin
- 7. Caroline Badger
- 64. Mrs. Maria Collins
- 134. Richard Collins

Swan River

No.

- 1. { Mabel Plante
- 58. { Albert Plante
- Scrip, and parents halfbreeds, but were adopted by grandmother. Not on reserve since 1937.
- 10. Joseph Neil
- 31. Sam Giroux L'Hirondelle
- 36. Clara Sinclair

Sawridge

No.

- 35. Mrs. Margaret Sowan
- 41. Philomene Lawye
- 47. Johnny L'Hirondelle
- 48. Gabriel Gladu
- 53. Flora Lawye

APPENDIX EL

MEMORANDUM ON INDIAN STATUS AND ELIGIBILITY FOR BAND MEMBERSHIP FOR CONSIDERATION BY THE SPECIAL JOINT COMMITTEE OF THE SENATE AND HOUSE OF COMMONS ON INDIAN AFFAIRS

Under Section 18 of the Indian Act the duty and responsibility of determining "who is or who is not a member of any Band of Indians and entitled to share in the properties and annuities" of an Indian Band is vested in the Superintendent General (Minister), whose decision is final, subject to appeal to the Governor in Council.

As no person other than an Indian can be a member of a Band, the Minister in reaching his decision as to membership must, therefore, also decide the question of status.

This he does and must do, "on the report of an officer" (of the Branch) or "some person specially appointed by him to conduct an inquiry" (factual). He assumes the responsibility for and makes the decision, the investigating officer deals only with facts and evidence supporting such facts. No investigating officer has any authority to reach conclusions or make decisions on those facts, as that is the sole prerogative of the Minister.

When the investigating officer reports on the facts and submits what relative evidence he can obtain in support of such facts, then each individual case is examined by the Minister and a decision reached and made by him. In reaching such decision he can and does call for such assistance as the special knowledge of the Branch administrative officers, the Branch legal staff and the law officers of the Crown afford to him.

An ever present difficulty in connection with the administration of Indian affairs is that of ascertaining "Indian status". It is extremely difficult to reach any satisfactory conclusion as to who is an Indian and what an individual must have or be to qualify for the special rights and privileges to which an individual is entitled by reason of his having Indian status—and to what group of individuals the federal jurisdiction extends under the British North America Act.

Little help is to be found in the definition of "an Indian" in the present Act, though that definition has persisted without change in the Act since 1876. Nor is there much help to be found outside the definition, that is in the decisions of the Courts, opinions of the law officers of the Crown, or by departmental advisers, nor is there any help in the dictionary definitions.

Yet the proper definition of status—white or Indian—is at the root of a multitude of decisions which must be made daily in the administrative routine of the Branch.*

An individual must be an Indian before the Branch has any jurisdiction at all over him and moneys voted by Parliament may only be spent to promote the welfare of people who can truly be classed as Indians. To interfere with the normal lives of persons who are not of Indian status is clearly beyond any power of authority vested in the Superintendent General of Indian Affairs, (though this has often been done), and to spend moneys voted by Parliament to promote the welfare of Indians, for the benefit of persons who are not Indian is contrary to the purposes of Parliament and therefore illegal.

It is imperative, therefore, that some satisfactory definition of an Indian be written into the Act and some well defined principles laid down, by the

*See addenda attached.

application of which Indian status can be determined with some degree of certainty.

According to the dictionary definition a North American Indian is a member of the aboriginal race native to the North American continent. This conception of an Indian was probably what the Fathers of Confederation and the Imperial Parliament had in mind when responsibility for Indians was allotted to the Federal authority by the British North America Act, though this conception of an Indian was probably modified somewhat by certain previously existing statutory definitions of an Indian which were at the time included in the Colonial Statutes.

In Lower Canada, for example, there was a very broad and somewhat detailed definition of an Indian, which is found in the Statutes of Lower Canada prior to 1867.

In the Statutes of Upper Canada there was also a definition of sorts, though much more indefinite.

These definitions pretty well exhaust the subject as at Confederation, though in the Provinces of New Brunswick and Nova Scotia Indians had been recognized as such and had actually been allotted lands in those Provinces prior to Confederation.

Therefore, there must have been other considerations such as local repute and common acceptance of Indians in other jurisdictions now included in Canada where Indians had been recognized as such long before Confederation.

It would appear to follow, therefore, that the term Indian as used in the British North America Act should be interpreted to include all persons of the aboriginal race as well as all others who, by the Colonial Statutes, were recognized as Indians as at the date of Confederation and those outside Upper and Lower Canada who were recognized as Indians by common repute to be so closely associated with the aborigines that any other racial origin had been lost sight of.

The actual conception of who was an Indian at the date of Confederation must, therefore, have been much broader than that contemplated by the definition as it presently appears in the Indian Act. As a matter of fact in 1868 the definition of an Indian as it stood in the Statutes of Lower Canada was copied almost word for word into the Federal Statute of that year and was not again changed until the new definition as at present was substituted for it in the Indian Act of 1876.

It might be contented that, by alteration of the definition of Indian by the Statute of 1876, the Dominion very substantially reduced the number of people for whose welfare it was responsible and by that action passed the responsibility on to the Provinces for thousands of people who, but for the Statute of 1876, would have been a Federal responsibility for all time.

The actual effect of the Statute of 1876 was to enfranchise all persons previously accepted as Indians who could not qualify as Indians under the new definition written into that Statute.

For eighty years successive administration heads have struggled to find satisfactory application of the present definition and without much success. The present result in trying to apply the process of logic, in seeking legal opinion and seeking light from the decisions of the Courts (very few) and in trying to reconcile conflicting precedents, is a certain amount of confusion and has resulted in an attitude of bewilderment as to who is or who is not an Indian in the Canada of to-day.

It is submitted, therefore, that a new definition of an Indian must be found and written into the Statute and a series of axioms or principles formulated and established, by the application of which the administrative officers can advise and the Superintendent General decide who is of Indian status within the jurisdiction of the Branch and who is of white status and outside that jurisdiction.

In the formulation of such axioms or principles the following suggestions based on the administrative experience of the Branch might be helpful:—

1. Any person whose blood is racially pure Indian should be acknowledged and classed as Indian.
2. If of mixed blood the individual shall take the status of the father where paternity can be legally established or reasonably assumed.
3. Where paternity cannot be legally established or reasonably assumed, the individual shall take the status of the mother as at the date of the child's birth.
4. Common law relationship between individuals who are both of Indian status shall for the purpose of assuming parenthood be recognized and the children of such union be assumed to be of legitimate birth.
5. Illegitimate children—
 - A. Where paternity is
 - (a) legally established; or
 - (b) assumed by the fact that the parents had prior to the birth lived in a common law relationship; or
 - (c) acknowledged by both the father and mother;
 in all such cases the child shall take the status of the father.
 - B. Where paternity is
 - (a) not legally established; or
 - (b) when the circumstances are such that paternity cannot be assumed; or
 - (c) where the putative father does not admit paternity;
 then the child shall take the status of the mother.
6. Legal adoption of an Indian child in accordance with the Laws of the Province or ordinance of the Territories to be recognized, the child taking the status of the head of the adopting house.
7. Non-legal adoption—i.e. the planting of children with foster parents without legal formalities. This shall not affect their status or establish eligibility for Band membership in the Band of the foster parents, but such child shall retain the status of the natural parents and membership rights in the Band to which the natural parents belong.
8. Marriage—A wife shall take the status of her husband.
9. Divorce—A divorced woman shall retain her married status until she remarries and shall not on divorce revert to her maiden status.
10. Common Law Relationship—An Indian woman living in a common law relationship with a man of white status shall from and after the birth of a second child be regarded as married and to have acquired the status of the common law husband, and all children born to her during and after such cohabitation shall be regarded as being of white status, that is the status of the father.

The following are the more common types of claimants for Indian status:—

1. A white man who marries an Indian girl and wants to be recognized as a member of her father's Band so that he can live on the Reserve and join her family circle. The motives actuating his desire to join the Indian Band usually are:
 - (a) to escape land taxes and get tax free land;
 - (b) to obtain free hospital and medical care for his family;
 - (c) to obtain the privilege of sending his children to Indian schools free of cost;
 - (d) to have the grandparents assume the responsibility for bringing up his family.

2. An Indian woman who, having married a white man, wants to return to her father's home after desertion or death of husband and bring into the Band the children of the union.
In both cases 1 and 2 above the Band often requests their admission into membership, particularly if there are no Band funds to share with such unqualified persons. This Band consent is not often given if it means sharing substantial Band funds.
3. Persons with Indian blood but of white status whose habits of life are patterned on the Indian pattern and who wish to be regarded as Indians and obtain Indian rights and privileges under the Act.
4. Persons who wish to obtain entry into a recognized Indian Band in order that they and their children may qualify for admission to church schools, hospitals, etc., which are usually subsidized by Government funds.
5. Those who wish to obtain entry in an Indian Band in order to share in the distribution of Band funds and property and to qualify for Indian annuities.
6. Claims by Indians to have persons of non-Indian status taken into a Band because they have been informally adopted into an Indian family. This class is sometimes referred to as Indians by natural adoption (as opposed to formal adoption).
7. Illegitimate children of Indian girls or women whose paternity if known would disqualify them. These illegitimate children are often if not usually of unknown paternity.
8. Descendants of persons of Indian blood and descent who, or whose antecedents, elected white status and took half-breed scrip.
9. The children of Indian widows of white men who subsequently marry men who are in Indian Band membership.
10. Persons and the descendants of persons who wrongfully and without proper authority have been placed on membership rolls by Indian agents or departmental officers. Such people may have been placed on the rolls (a) fraudulently, or (b) on insufficient evidence of status, or (c) on the honest assumption of authority which did not rest in such Agent or officer.

NOTE.—There are many persons, for example in the Peepeekeesis Band, where scores of people have been placed by departmental officers on the Band membership rolls who had no claim to membership in that particular Band or even to Indian status and where the departmental officer enrolling them had no statutory or legal authority to do so. The effect of such action is to deprive properly qualified Indians of property rights given to them and them only by the terms of their Treaty. Conversely, a generation of people have come to regard themselves as members and entitled to share in the properties of a Band and to live on a Reserve to which they have no legal claim and further, in that interval they have lost their rights in property and to live on their own proper Reserve.

ADDENDA

Examples of "the multitude of decisions" include decisions as to whether or not certain individuals are eligible—

- (1) For relief or hospitalization or both at the cost of Indian Affairs Branch,
- (2) To be located to land belonging to a particular Band,
- (3) To share in distributions of Capital or Interest moneys being distributed,
- (4) To receive Annuities under Indian Treaties,
- (5) To vote or stand for office in elections of Band officials,
- (6) To represent a Band as a member of a delegation,
- (7) To benefit under V.L.A. as an Indian veteran,
- (8) To share as a fully qualified member of a particular Band in the distribution of assets of an Indian estate.

APPENDIX EM

SPECIAL JOINT COMMITTEE OF THE SENATE
AND THE HOUSE OF COMMONS

appointed to examine and consider

THE INDIAN ACT

SUBMISSION

OF

INDIAN ASSOCIATION OF ALBERTA

April 21, 1947.

PREAMBLE

The Indian Association of Alberta wishes to express its appreciation of the work of the Joint Committee of the Senate and the House of Commons in investigating Indian Affairs.

We pray that your deliberations will result in a report which will remove the handicaps under which the Treaty Indian people are now and have been labouring.

We pray that a humane spirit will prevail in the recommended changes and that the revised Indian Act will place human values and human welfare above simplicity and ease of administration.

We also express our appreciation and gratitude to the Inspector of Indian Agencies for Alberta, Mr. G. H. Gooderham whose sympathy with, understanding of, and cooperation with the aims of this Association have led to pleasant relations between our Association and his office.

Among others who have been helpful and sympathetic and to whom we acknowledge a debt of gratitude are Mr. W. P. B. Pugh, formerly of the Hobbema Agency, the many Farm Instructors, who helped our Locals in their work, and especially Mr. J. D. Morin of the Alexander Reserve.

We beg of you to give an attentive ear to our representatives and to our Briefs. We do not attempt to speak for any save those Agencies represented in our Association, namely Driftpile, Saddle Lake, Edmonton, Hobbema, Stoney, Sarcee, Peigan, and Blood, and the reserves of Frog Lake and Kehewin's of the Onion Lake Agency (Saskatchewan).

These representations are the work of our members, and as these members are Treaty Indians, our remarks and suggestions are authentic and accurate on the basis of conditions as we see them on the reserves.

THE INDIAN ASSOCIATION OF ALBERTA.

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I—RIGHTS UNDER THE INDIAN TREATIES

A. GENERAL

1. *Reinstatement of Treaty Rights necessary.*

This Organization submits that a reinstatement of the status of the Indians in Western Canada under the Treaties affecting them is urgently required in order that matters pertaining to education, health services, self-government, compulsory military service, liability of the Indians to taxation and matters

relating to other fields may generally be clarified and re-enunciated to the satisfaction of all concerned.

Assurance that all the rights granted to the Indians under their Treaties will be guaranteed to them for all time is necessary, since there exists a growing feeling amongst Indians to-day that treaty obligations are not being discharged *bona fide* by the Government of Canada and that the rights of Indians are being curtailed in matters relating to their physical and spiritual development and relating also to their rights over property and with respect to self-government.

This Organization derives its rights from five principal Treaties which are as follows:—

North West Angle Treaty, No. 3,
 Qu'Appelle Treaty, No. 4,
 Carlton Treaty, No. 6,
 Black Feet Treaty, No. 7,
 Treaty No. 8.

Attached to this submission is a text of these Treaties together with the conversations that preceded their conclusion. Their conversations are of extreme importance in interpreting the Treaties and establishing Indian rights. The Treaties should not be legalistically interpreted for they were concluded by the representatives of groups who were not only themselves unequal but who represented widely divided cultures, attitudes and understandings. Furthermore, the Indian Treaties should be read not separately, but together in order that the general policy of the Government of the day may be ascertained, and the understanding of the Indians throughout Western Canada, of the purport and object of the Treaties may be perceived. They all form a part of the pattern of the process of civilization and the westward march of the white man. His relations with Indian bands cannot be isolated or viewed in a vacuum. The picture is a single one, and the rights of Indians generally must be determined according to the general conditions and attitudes obtaining during the latter part of the nineteenth century.

2. *Purpose of Treaties to promote progress.*

Lieutenant-Governor Morris, in negotiating with the Indians at Fort Carlton, stated as follows:—

I see the Queen's Councillors taking the Indians by the hand saying we are brothers, we will lift you up, we will teach you, if you will learn, the cunning of the white man. All along that road I see Indians gathering, I see gardens growing and houses building; I see them receiving money from the Queen's Commissioners to purchase clothing for their children; at the same time I see them enjoying their hunting and fishing as before, I see them retaining their own mode of living with the Queen's gifts, in addition.

(Morris, "The Treaties of Canada," p. 231.)

Thus as early as 1833, in Canada the Crown applied the concept of Brotherhood of Man to the Indians living among the whites. The Indian was to be elevated from the status of a serf and was to be educated so that he might be able to compete on equal terms with the white man.

3. *Fulfilment of Treaties promised.*

Lieutenant-Governor Morris states, in his book in Chapter XII, as follows:

I remark in the first place that the provisions of these Treaties must be carried out with the utmost good faith and the nicest exactness. The

Indians of Canada have . . . an abiding confidence in the Government of the Queen, or the Great Mother, as they style her. This must not, at all hazards, be shaken.

(Morris, "The Treaties of Canada," p. 285.)

His parting statement upon conclusion of the Treaties was as follows:—

Let us have a wise and paternal Government faithfully carrying out the provisions of our Treaties, and doing its utmost to help and elevate the Indian population who have been cast upon our care, and we will have peace, progress and concord among them in the North West; and instead of the Indian melting away, as one of them in older Canada tersely puts it, "as snow before the sun," we will see our Indian population loyal subjects of the Crown, happy, prosperous and self-sustaining, and Canada will be enabled to feel, that in a truly patriotic spirit, our country has done its duty by the red man of the Northwest and thereby to herself.

(Morris, "The Treaties of Canada," pp. 296-297.)

It was then clearly the objective of the Indian Treaties to promote progress among the Indians and make them self-sustaining, loyal citizens of the Crown and, to these ends, to faithfully administer the treaties.

4. *Right to expect redress of grievances assured.*

Lieutenant-Governor Morris, in the course of negotiating the North-West Angle Treaty, said:—

The ear of the Queen's Government will always be open to hear the complaints of her Indian people, and she will deal with her servants that do not do their duty in a proper manner.

(Morris, "The Treaties of Canada," p. 72.)

The right to be heard by the highest authorities and the right to expect the redress of grievances by those authorities were conditions upon which the Indian Treaties were signed. These are rights which this Organization asserts on behalf of the Indians of Canada to-day and which, it is submitted, the Government of Canada is duty-bound to honour.

5. *Treaty rights are inviolate; changes without consultation should not be made.*

The rights given by Treaties stand inviolate and above all other relationships between the Crown and the Indian people. Although their precedence over any other enactment was understood between the parties when the Treaties were signed, legislation passed by the Parliament of Canada without the concurrence of the Indians has, in practice, taken precedence. The Indian Act was passed without consulting the representatives of the Indian people of Canada and, in some cases, Treaty rights have been abrogated. The Indian people object to any enactment by legislation having the effect of decreasing their Treaty rights and have explicitly set out in Part II of this submission the changes necessary in the Indian Act if all the Treaty rights are to be reinstated and the spirit of Treaty negotiations maintained. Furthermore, the Indian people believe that any change in legislation affecting their status, directly or indirectly, should be made only after proper representation of their interests.

B—STATUS OF INDIAN CHIEFS AND COUNCILLORS

6. *Affirmation of Indian loyalty to the Crown.*

The Indians submitting this brief wish to re-affirm their loyalty to the British Crown and to re-assert their duty to obey and abide by the law between them—

selves and other tribes of Indians and between themselves and other of His Majesty's subjects, whether Indians or white persons now inhabiting or hereafter to inhabit any part of Canada. They affirm their convenants not to molest the personal property of any inhabitant of Canada or the property of His Majesty the King or to interfere with, or trouble, any person passing or crossing through the country or any part thereof, and they further affirm their convenants that they will aid and assist the officers of His Majesty and bring to justice any Indian offending against the stipulations of the Treaty or infringing upon the laws of the country.

7. Indian Agents have in many cases, acted arbitrarily.

The Indians realize that the Treaty rights granted them by the Queen cannot be administered directly by the Crown, but that the duties and obligations of the Crown must be discharged through officers or agents on its behalf. However, the Indians are of opinion that the agents appointed for these purposes have acted, in many cases, arbitrarily and without indicating the degree of responsibility which should be placed upon any one administering policy for the Government of the Crown. There, therefore, exists the necessity of changing the status and the attitudes of Indian Agents and it is felt that this should be done in two ways; first, by permitting a larger measure of self-government by the Indians themselves and, secondly through a change in the status and purpose of the Indian Agent.

8. During Treaty negotiations, Indian Chiefs and Councillors were recognized as capable of handling the affairs of the tribes.

It is significant that at the time the Treaties were concluded the white man representing the Crown treated the representatives of the Indians, their Chiefs and Councillors, as capable of dealing with their own affairs to the extent of surrendering their rights to large tracts of land, and also to the extent of accepting certain benefits which have been granted under the treaties. However, it appears that once the Treaties were concluded the attitude of the white man toward the Indian Chiefs and Councillors was radically changed and they no longer were regarded as capable of dealing with their own affairs or of meeting with representatives of the Crown for the settlement of differences which might exist between them.

9. Indian Chiefs and Councillors should be able to revert to the status they enjoyed at the signing of the Treaties.

Such undemocratic attitudes should not be permitted to continue, and the Indian Chiefs and Councillors should be able to revert to the status which they enjoyed at the time of signing of the Treaties.

10. Larger remuneration should be paid to Chiefs and Councillors to encourage efficient performance of duties.

In order that Indian Chiefs and Councillors may be able to perform their duties in a wholehearted and efficient manner, this Organization submits that an increase in remuneration be provided them.

The Indian Treaties provide that each Chief recognized as such, shall receive an annual salary of twenty-five dollars per annum and that "each subordinate officer, not exceeding three for each band, shall receive fifteen dollars per annum" and also, that each Chief and subordinate officer should also receive "once in every three years, a suitable suit of clothing" and that each chief shall receive in recognition of the closing of the Treaty, a "suitable flag and medal". This remuneration is not sufficient when the nature of the duties—as outlined in the Indian Act—is fully comprehended. On many reserves, the duties of a conscientious Chief and those of the Councillors interfere seriously with the work on their farms, traplines and nets. Performance of such duties

requently brings criticism from members of the band, and often considerable sentiment is expressed against such persons.

Furthermore, the above remuneration is wholly inadequate if the Indians are to be given every opportunity to govern themselves and direct their own affairs in a responsible manner. Persons occupying similar positions of responsibility in other spheres of activity are generally paid a salary greatly in excess of these amounts.

It is therefore, recommended that the scale of remuneration be increased and that the Chiefs receive an annual payment of at least one hundred and fifty dollars and the Councillors receive an annual payment of at least one hundred dollars.

A changed status for the Indian Agent.

This Organization also submits that there should be a change in the status and purpose of the Indian Agent. His role should be that of assisting and encouraging the Indian to govern his own affairs rather than that of personally directing those affairs, without due regard to the will of the Indians.

Those persons chosen to act in behalf of the Crown should have certain minimum qualifications. These should be:—

- (a) A broad understanding of and sympathy towards Indians and Indian problems.
- (b) A thorough knowledge of statutes and regulations relating to Indians in order that he may advise them upon their rights.
- (c) A good technical knowledge of the functions on a reserve such as farming, trade, education, social welfare and the conditions necessary to fulfill them.
- (d) Amenability to advice and anxiety to solicit advice from the Indians with whom and for whom he must work.
- (e) Ability and initiative to act upon recommendations put forth in a democratic manner.

In the past, the Indian Agent has often regarded himself or has been regarded by the Indian as an autocrat or tyrant—the owner and ruler of the reserve. The Indian Act has, to a large extent, fostered this spirit by endowing him with unnecessary wide powers and opportunities for arbitrary rule. To limit his powers and set up a series of checks and balances which will assure the Indians of reasonable and benevolent assistance from the Indian Agent, specific amendments are recommended in Part II of this submission which relate to the Indian Act. But—and of even more importance—it is here recommended that the general attitude of administrators towards the Indian be altered, in order that it be made to coincide with the present-day concepts of free expression and democratic action.

C. EDUCATION

2. The Government promised education as a treaty right.

This Organization realizes the urgent need for a progressive program of education and technical training among Indians, for only by fitting themselves to discharge the responsibilities of modern civilization can they hope to take their place in society to-day. Under the treaties, the Crown promised to provide schools for Indians. Lieutenant-Governor Alexander Morris, stated:—

The treaties provide for the establishment of schools, on the reserves, for the instruction of Indian children. This is a very important feature, and is deserving of being pressed with utmost energy. The new generation can be trained in the habits and ways of civilized life—prepared to

encounter the difficulties with which they will be surrounded, by the influx of settlers, and fitted for maintaining themselves as tillers of the soil.

—(Morris, "The Treaties of Canada", p. 292.)

The Indians submit that the present facilities for education on the reserve are largely based on the needs existing in the 1880's and do not adequately provide for the training of the Indians "in the habits and ways of civilized life to-day. They therefore request certain changes in the educational services presently rendered the treaty Indian, and suggest how educational services can be adjusted so that they better serve the needs of the Indian children of to-day and to-morrow.

13. *Commission to study the needs of Indian education.*

A Commission should be set up immediately to study the needs of the Indian Educational system. This Commission should include as members people experienced in Indian education and familiar with conditions upon the reserves; people trained in modern methods of psychology, educational theory and practices, and finally people who can adapt these newer types of instruction and techniques to the special abilities and needs of Indian students. Furthermore, the members of this Commission should possess the confidence of the Indians and have a complete understanding of their attitudes and psychology.

14. *The Commission should investigate the adequacy of accommodation and establish a proper curriculum.*

This Commission should investigate the adequacy of school accommodation for Indian children.

The Indians of this Organization assert that about one thousand Indian children in this province are without schooling at present. This is due partly to the aversion of Indian parents to send their children long distances from home but chiefly to the fact that there is insufficient school accommodation. Most schools are overcrowded and operating above capacity. If treaty promises are to be respected, it is imperative that additions be made to many of the existing schools without delay.

This Commission should be empowered to visit any or all reserves, recommend changes in curricula so that a curriculum in line with modern standards and adaptable to the needs of all sections of the country may be established.

The elementary curriculum should be on as high a standard as those non-Indian public schools, but should be modified to include Indian language, customs, handicraft, vocational training and cultural activities. The language, tradition and culture of the Indian must not be denied free expression, but rather must be developed to the fullest extent so that Canada's first people might be able to contribute to the culture of the nation on a much larger scale than has been possible in the past.

15. *Educational Needs.*

(a) For a detailed report on educational needs of the Indians please see

1. Minutes of Proceedings and Evidence No. 15, Tuesday, July 23, 1912, Appendix AC, Page 667.

2. Minutes of Proceedings and Evidence No. 21, Tuesday, August 13, 1912, Appendix AC 2, Page 818; Appendix AC 3, Page 825.

(b) The Association is opposed to taking education out of the hands of the Churches now co-operating with the Government in Indian education.

(c) The Association urges that the Residential Schools be retained upon the reserves as specified in the Brief on Education.

(d) The Association has consistently advocated (Memorial 1, 1944; Memorial 2, 1945; Sub Brief on Education referred to above, 1946) that the per capita grant be raised to at least \$300 per child in order that the Residential Schools be adequately assisted in improving their educational services to Indian children.

(e) The Association advocates a system of "semi-residential" schools whereby children of parents co-operating with the authorities of the schools, and the principals of the schools, in the matters of attendance may have their children spend at home, weekends, seasonal holidays, national holidays, etc., such rights to be dependent upon the good behaviour of the children concerned.

(f) In the day schools at present, or in future established by the Department, the teacher should be of the faith predominating among the Indians attending and representatives of the Clergy should attend these schools daily or weekly as desired by the Clergy, to instruct the children of their faith in the religious principles of that faith, BUT no child of a different faith should be compelled to attend these instructional periods.

16. *Establishment of Day Schools.*

Though this Organization fully recognizes and appreciates the value and service of the residential school, it submits that the educational needs of many reserves to-day can best be served by the establishment of day schools in proximity to the children's homes.

The use of day schools as a substitute for residential schools on many reserves is recommended for the following reasons:—

- (1) Education is a threefold responsibility—school, church and home. Day schools can best serve this principle.

The day school can concentrate on the proper function of the school—academic or vocational training. Instead, at present, language difficulties and the half-time work system deprive children of approximately three years of their allotted school time—from seven to sixteen years of age. Evidence of this unfortunate condition can be verified by the figures on school attendance issued by the Department of Mines and Resources, Indian Affairs Branch. To speak about Indian advancement under such conditions in sheer mockery. The present system encourages educational delinquency, retarded development, and an aversion to education. Practically speaking, it develops a class of people who are unable to be anything more than hewers of wood and drawers of water in the land of their forefathers.

- (2) No child can develop as he should, without the care and affection of family life. The restrictions, discipline, exclusive use of English, etc. in the Residential Schools are now recognized as having a harmful effect on immature minds and bodies.

It is the belief of this Organization that this hiatus in family ties and parental training is at least partially the cause of post-school delinquency. Regardless of how kind and sympathetic the staff of a residential school may be, such a staff cannot replace the average parent.

Where unsuitable home conditions exist, Indian children should be removed from their parents just as white children are, when they are found to be neglected.

Indian parents have an invaluable regard for the companionship of their children and the association of children living at home while attending school is also an invaluable asset towards adult education and the subsequent improvement in home conditions.

17. *Residential schools should be continued on certain reserves.*

Valuable services have been rendered by the residential schools on large reserves and on reserves which cannot support an educational program for its population. Upon large reserves, the residential school has been a centre, not only of educational, but of religious life. Upon reserves of little economic value, or of undeveloped resources, the school has enabled Indian children to receive the only education possible, for schools cannot follow the trap-lines of the fishing camps. In areas where residential schools are desired by the Indians themselves, they should be retained, but the schools must be properly equipped, adequately financed and efficiently staffed to provide the highest possible type of education.

18. *Part-time labour requirements should be abolished.*

The part-time labour requirements for students in residential schools should be abolished and the amount of time devoted to such work should be spent on essential studies, physical exercise and organized games.

19. *A semi-residential school should be established in certain areas.*

In areas where geographic factors make the day school impossible and where the Indians do not desire a residential school, semi-residential schools should be established. The children in such schools would be permitted to spend week-ends and school holidays of short duration, e.g., Christmas and Easter vacations, with their parents contingent upon the co-operation of the parents in returning their children at the close of these holidays. Here again an urgent appeal is made for proper and up-to-date equipment and efficient staffs.

20. *A follow-up program is needed for the post-school years.*

A program to follow up the school graduate is necessary if the students are to retain and apply the training and skills acquired during years of schooling. The period following school is often the ruination of many a promising Indian boy or girl. Pupils often find themselves returned to reserve life without the opportunity of practising whatever training they have been given. They are at once brought into conflict with the older generation and many pupils simply drop into the older ways and customs as they are unable to fit themselves for life in a modern world. In many cases they cannot farm because they cannot obtain equipment for modern farming. They have not the facilities for home-making that they have been taught to use, and they must do the most menial jobs if they are to earn a living.

21. *A trained welfare worker is needed on every reserve.*

A trained welfare worker could help guide these ex-pupils into suitable occupations, could help supervise their re-adjustment to reserve life and could act as a liaison officer between the pupil and the outside world in assisting them to obtain employment. A welfare worker could help to avoid many of the moral disasters that too often befall the young Indian. This Organization states that every reserve should have a trained welfare worker, either attached to the school staff or to the agency.

22. *An economic establishment scheme should be provided for the ex-pupil.*

Some scheme of economic establishment should be made available to the graduate. This would vary according to the geographic location of the reserve. Some livestock or fishing and trapping equipment might be made available for the boys; some household goods might be given to the girls. At an Indian school in North Dakota where grazing lands are the chief asset of the reserve, boys are loaned breeding stock while they are still in school. They are trained to

care for this stock and pay in services, by caring for the school herd, for feed and pasture. At the end of a reasonable period, they gradually return the breeding stock loaned them. A similar plan should not be impossible in Canada.

23. Incentive of jobs and positions should be provided.

There is too little incentive for the Indian to train himself for professional or executive positions. In order that education may be carried beyond the schoolhouse and into the arena of action, it is important that the incentive of jobs and positions be coupled with any educational scheme. Teachers, social workers, and industrial instructors should, wherever possible, be recruited from the ranks of Indians themselves. There is also no reason why the professions should not claim Indians among their incumbents, this having proven successful by the American practice. So long as Indians remain wards of the Government, no Indian proving worthy of higher education should be deprived of the means to enable him to qualify for professional or executive positions.

24. Additional grants, for higher education.

For those Indian children who may desire higher education as an opportunity to enter some gainful occupation or profession, there should be no barrier. A number of grants are provided by the Indian Affairs Branch for this purpose but these are difficult to obtain and too inadequate to serve their necessary purpose. The chances for the Indian to work himself through college are, needless to say, negligible.

Indians who have been able to obtain higher education have been as successful as the average white man and often more successful, and this Organization can point with pride to the amazing record of Indian doctors, lawyers, nurses, teachers, ministers who have absorbed an academic education in the United States of America.

25. Vocational training should be established on all reserves.

A system of adequate vocational training should be established on all reserves. This should amount to more than a mere perfunctory training in manual arts. It should be connected with the characteristic industries of the region, whether they be farming, ranching or other occupations. The school should provide a training that will establish ground work for future entrance into skilled trades.

26. A program of adult education is needed on all reserves.

This Organization recommends that a program of adult education be carried out on all Indian reserves and submits that the following benefits would ensue:—

- (a) The Indians could study and equip themselves for the duties and responsibilities of self-government.
- (b) Basic English would assist Indians in their relations with the white and would foster self-confidence.
- (c) The Indians could be equipped to take an active part in their own program of health and educational advancement.
- (d) Leadership would be developed among themselves.
- (e) Opportunities would be provided for social intercourse and discussion with fellow tribesmen. Selected Indians could help to carry out a program of adult education after preparatory instruction in such subjects as to the following:—

Personal responsibilities in health maintenance, basic English, constructive suggestions on industries and occupations; skilled handicrafts and their market value; duties to families, neighbours and country, revival of tribal history, legends, etc.

27. *Training schools and increased salaries are necessary for teachers.*

This Organization submits that there is not adequate training schools for Indian teachers and few teachers are trained to handle the problems peculiar to an Indian school. It should be required that an Indian teacher, before being qualified, devote some weeks to a study of Indian history, tradition and temperament. Through his or her understanding and appreciation of their accomplishments, the teacher could largely overcome the widespread Indian tendency to an inferiority complex, re-awaken the feeling of pride and arouse ambition in the Indians to exercise their latent abilities to the utmost. Efficient teachers need encouragement to take up this arduous work and should be compensated by correspondingly higher salaries and pension benefits.

28. *Per capita grant must be increased.*

The present per capita grant paid through the Education Branch of the Indian Affairs is and has for some time been entirely inadequate and the burden of financing Indian education has been thrust upon the churches and upon private charities. To compel administrators of Indian reserves to beg charity in order to maintain services that are the responsibility of the Government is degrading in the extreme.

The per capita grant must be increased to meet the modern needs of all day schools and those residential schools which are still desired by the Indians. The appropriate size of this per capita can best be calculated by the Commission entrusted to study the adequacy of Indian education facilities on the reserves. At present, the maximum per capita grant is approximately \$187.00 per annum (about 61.4 cents per child per day). It is submitted that this grant must be increased to at least \$300.00 per annum in order to provide the necessary services to students—the most essential being food, clothing, education and medical attention.

29. *Race prejudice must be defeated.*

As a final suggestion of how educational services can be revised to better serve the needs of the Indian people, it is submitted that there be undertaken an active campaign of education through literature and other publicity media to educate white people to an acceptance of, and a respect for the Indian as an individual endowed with abilities, aptitudes—and human rights. Race prejudice must be defeated and the public must be educated in tolerance and understanding.

Canada is a nation of many peoples. She can only rise to her full strength when all ethnic groups are permitted and encouraged to make their individual contributions to the national pattern. The Indian, with his rich background of native lore, artistry and tradition, has a special contribution to make to Canadian culture. Every encouragement should be given to him in order that he may take his proper place in the building of a truly democratic Canadian society.

D—SOCIAL WELFARE

30. *Social welfare and religious freedom.*

This Organization is familiar with, and appreciates the contributions which religious organizations of various denominations have made to the welfare of the Indian people.

It is recommended, however, that all social work, relief and other ameliorative work proceed among Indians upon a non-secular basis.

31. *A program of health education and health services is the responsibility of the Dominion Government.*

A program of health education and a promotion of health services is a necessity among Indians as their health has been deleteriously affected by their rough and insecure mode of living in proximity to the white man. Health services and social benefits have been sadly inadequate to cope with their needs. Since Indians are beyond the jurisdiction of any provincial scheme, it is the responsibility of the Dominion of Canada to organize a health program to ameliorate their conditions.

To combat the present high mortality rate among Indians, a vigorous program designed to halt the spread of tuberculosis, trachoma and social diseases is needed. There should be provided hospitalization, adequate nursing services, ambulance service on the larger reserves and pre-natal and infant care to prevent the present high rates of infant mortality.

There should be supervision by trained welfare workers in applying remedial and preventive measures and establishing good health habits on Reserves. Health education should be taught in all schools and emphasis should be placed on the formation of healthy habits.

All existing unsanitary conditions on reserves, including dilapidated houses and other conditions contributory to disease and general ill-health should be immediately removed.

32. *Living conditions and housing.*

A housing program should at once be undertaken to provide accommodation which will be conducive to decent home life and afford proper privacy for the occupants. Adequate water supply and sanitary arrangements should be provided and their utilization supervised by competent authorities.

33. *Rations to aged and indigent.*

The present system of supplying rations to aged and indigent is wholly inadequate; clothing issued—much of it already worn, is not conducive to high morale, and there is great need for Indians to be treated upon an equal basis with other people in Canada. The typical rations at present for Indians in these classes is as follows:—

SCALE OF MONTHLY RATIONS FOR INDIANS ON RELIEF

Flour (2nd grade)	24	36	49	61	80	98
Rolled Oats	6	9	12	15	18	18
Baking Powder	1	1½	1¾	2	2	2
Tea	1	1½	2	2	2	3
Sugar	2	4	5	7	8	10
Lard	3	5	8	10	10	13
Beans	5	5	7	7	8	8
Rice	2	3	5	5	7	7
Cheese	1	1½	1½	2	2	3
Meat or Fish	\$1.00	\$1.50	\$1.75	\$2.00	\$2.00	\$2.25

Salt—10 cents or 15 cents per month per family.

Matches—10 cents to 20 cents per month per family.

NOTE: Indians under the age of 12 years shall be considered children, and over that age as adults. Issues of rations for each child, of flour, rolled oats, sugar, lard, beans, rice, cheese and meat or fish, shall be one-half the quantities specified for one adult.

This schedule of supplies indicates that entirely inadequate provision is being made at present to meet the needs of Indians who, being human beings, have the same hungers, and suffer the same pains from the elements, from illness and old age, as others, and that the need for more humane treatment of aged, ill and indigent Indians is a pressing necessity.

The present ration system should be extended to a decent and adequate standard based on a varied diet, vitamin content and general nutrition value.

34. *Social benefits are responsibility of Federal Government.*

The Indians recommend that the Federal Government finance and extend to them the benefits of Old Age Pensions, aid to the blind, mothers' allowances and all other social benefits that may be provided, from time to time, by legislation, for Canadian citizens.

It is realized that particularly acute cases brought to the attention of the Indian Affairs Branch have received consideration, but such assistance should not be limited to cases of dire need, but should be extended to the Indians on as wide a basis as is extended to non-Indians.

Family Allowance Benefits have been extended to the Indians only partially. For nine years of his life the Indian child receives no benefits because he is presumably in the residential school. However, on many reserves some children cannot go to school because of inadequate school accommodation and in practice these children are still ineligible. The Family Allowance Benefits must be administered more efficiently and consideration must be given to such local factors if unfair discrimination is to be removed.

34. *Aid and pensions for the sick.*

When the Indian requires hospital treatment, his or her dependents suffer from neglect, and therefore, arrangements should be made by the Department of Health and Welfare (Indian Branch) to make adequate provision for the maintenance of these dependents until the sick person is strong enough to resume gainful activities.

Many Indians undergoing severe operations are, for a considerable period, unable to earn money for their own support, or for the support of dependents. Such operations are the removal of ribs in the treatment of tuberculosis. Such Indians should be provided with a reasonable pension for maintenance during the period that they are unable to work.

E. BENEFITS TO VETERANS AND OTHER REHABILITATIVE MEASURES

35. *Indian veterans should be accorded the same benefits as other Canadian veterans.*

Thousands of Indians volunteered in two world wars, fought and many of them died. Their blood flowed with the blood of their Canadian brothers-in-arms, and it is just and fitting that they should be accorded the same treatment as other Canadian servicemen. This means, in effect, that they should enjoy equal benefits under the provisions of the Veterans' Land Act, and under the law relating to the payment of war services gratuities, the provision of educational and vocational grants, and employment preference, both in private industry and in the civil service. In administering these benefits, due consideration and respect should be given to the traditions and practices of the Indian tribes and where it is the custom on an Indian reserve to hold land communally, the requirements that a location ticket be received or that an allotment of land be made before the veteran receives his land grant should be abolished.

36. *A comprehensive study of living conditions on reserves is needed.*

A comprehensive study should be undertaken of all reserves in order to ascertain whether the reserves can maintain the present population and whether facilities will permit of a reasonable standard of living for the natural increase in population. Such a study would reveal the state of living conditions on the reserves and could suggest means and methods by which the Indians might better utilize their lands.

37. *The study should be followed by developmental projects, wherever feasible.*

The expenses of such a study would, of necessity, have to be borne by the Indian Affairs Branch. However, if such a study were undertaken and a

program of development resulted, this Organization submits that the economies that would follow from the implementation of the program would largely compensate for the expense of the study. If the study finds that there is not sufficient grazing or arable land to sustain the population, then additional land could be made available and thus the pressing relief needs of the increasing Indian population would be alleviated. Many Indians have already proven their ability as farmers and stockmen and with more encouragement and assistance, Indian farms could be enlarged to a more economic size and improved by the use of more advanced techniques.

The effectiveness of such a study and a developmental program will of course largely depend on the skill and character of the instructors in charge; this Organization believes that there are available a number of competent Indians who have successfully operated farms and herds of their own, who would be suitable under such a scheme. Indian supervisors would have the advantage of enjoying the confidence of their fellow tribesmen to a greater degree than any white man. A program should be at once undertaken by the Indian Affairs Branch to help the treaty Indians develop their own lands for themselves and by themselves by supplying adequate machinery to develop their lands. Land required for power dams, power lines, gas lines, canals or oil and gas developments—none of which the treaty Indians themselves can develop on their reserves alone—could be leased out under suitable terms by the Indians concerned.

38. Establishment and maintenance of roads and ferries.

The approaches to some of the Reserves are not worthy of the name of "trails". Improvement of the roads is a prerequisite to the implementation of much of the health and education program. It should be the responsibility of the Indian Reserves Branch to establish and maintain a proper system of roads and ferries wherever needed. Every reserve should be accessible to ambulance service and necessary motor traffic and it is vitally essential that market roads at least should be maintained. The necessary cost for such service could be met by Band funds wherever available but assistance must be provided by the Dominion Government where the money is not available in the reserves.

39. Indians should be granted preference in trapping and fishing.

Trapping and fishing form an important part of the occupation of Indians in this Organization and steps should be taken to see that their rights in this form of livelihood are adequately safeguarded. The encroachment of white hunters and trappers who render it impossible for Indians in many areas to make a reasonable living must be prohibited and Indian trappers and fishermen should be granted preference over white trappers, since it is generally much easier for a white man to make his living at other occupations.

The Indians are, from early environment and training, often very highly skilled trappers and fishermen and are well qualified for positions as salaried game wardens and fish guardians and this Organization submits that they should be given every chance for appointments in these positions throughout the province.

40. Fur conservation projects should be extended and Indians encouraged to participate in co-operative fur farms.

Beaver, muskrat and other fur conservation projects are to be greatly recommended and should be extended. Wild animal trapping is on the decline and Indians so employed should be gradually led to participate in co-operatively-owned fur farms, raising scientifically whatever the market demands.

40A. *Agreements for Game Wardens.*

The Federal Government, in accordance with the expressed statements of policy by the Crown Commissioners at the time of the negotiations prior to the signing of Treaties 6 and 7, with regard to Indian "Vocations and Avocations", should now enter into agreements with the government of the Provinces with a view to employing Treaty Indian Game and Fish Wardens to protect big game and fish from depletion by hunters in and out of the regular hunting seasons. These Indian wardens should be regularly employed at salaries equivalent to those of white men in similar positions; they should always be accompanied by a white man for reasons of safety. In any event a Game Protective League should be formed by the Indian Affairs Branch through the Federal Government together with the Provincial Governments on behalf of the Indians. This should be based upon co-operation between representatives of the Treaty Indians and of the Provincial Forestry, Game and Fur, and Fish Branches to prevent depletion of the game, fur and fish by unscrupulous hunters hunting out of season and in season.

40B. *Fishing Preferences.*

In view of the depletion of the fish in those adjoining reserves in which commercial fishing is permitted, the Treaty Indians should be given preferential quotas during the fishing season, and care should be taken through co-operation between Federal and Provincial authorities to prevent depletion to a point at which the Indians can no longer secure even food.

Trap Lines.

Steps be taken to secure for Treaty Indians additional trap lines where they desire such lines. This is especially necessary in the reserves of the Saddle Lake Agency, and Hobbema Agency in Alberta.

40C. *Section 69 of The Indian Act: Hunting.*

By this section, the Superintendent-General (Minister) may, with the consent of the Governor-in-Council, apply part or all of the Game Acts to the Indians of Alberta, Saskatchewan, Manitoba or the North-West Territories.

The right to hunt was granted Indians under the Articles of Capitulation, 1760, the Treaty of Paris 1763, the Treaties of 1876 and 1877, and this was later recognized in 1890 when an attempt to enforce Game Ordinances against Indians was brought up, the Minister of Justice disallowed it. Again, in a case in the Alberta Court of Appeal, *Rex vs. Wesley* (1932) 2 W.W.R., the judges found that games ordinances did not apply to Treaty Indians while hunting for food as distinguished from game.

The members of this Association feel that, in view of the promises made to the Indians and the way the courts have treated the matter of the right of Indians to hunt for food, section 69(a) is unnecessary and unjust.

At present, when big game and hunting associations are bringing pressure to bear on officials and the provincial legislature of Alberta, and other governing bodies to stop Indians hunting for food so that they will not reduce the amount of game for the hunting season, the members of the Association would feel safer if this section were omitted from the proposed revised Act.

The amount of game on the reserves is decreasing every year and the members feel that the small amount they use for food would have little effect on the decrease of game for hunting for sport by the whites.

Although the Indian Affairs Branch has always been most fair about this matter, the presence of this section, accompanied by the agitation of the Fish and Game Societies, results in the Indians being worried and upset about the matter. As the removal of the section referred to would in no way greatly affect the working of the Act or actually change its present operation,

the Indians would feel safer if this section were entirely omitted and, instead, a new section be written assuring the Indians that the game laws or any laws respecting game will not apply to Indians hunting food on their reservations or on unoccupied Crown Land.

PART II

RECOMMENDATIONS RESPECTING THE INDIAN ACT, R.S.C. 1927, CHAPTER 98, AS AMENDED

41. *Wide powers of Governor-in-Council and Superintendent-General.*

The first and most obvious criticism of the Indian Act derives from the extremely wide powers which are thereby invested in the Governor-General in Council, and more particularly in the Superintendent-General. Although Part I of The Indian Act purports to be of wide and general application, section 3 endows the Governor-in-Council with power to:—

Exempt from the operation of this Part. . . . Indians or non-treaty Indians, or any of them, or any band or irregular band of them, or the reserves or special reserves, or Indian lands or any portion of them . . .

Thus, upon mere proclamation, the efficacy of Part I of the Act may be abrogated, and the statutory legislative intent set at naught.

It is submitted that since this clause leaves the way clear for arbitrary judgments by the Governor-in-Council, it should be repealed. The matter of exempting Indians from the rights provided by the Act should, in line with democratic procedure, be a matter not for any one man to decide but one on which only the Courts should rule.

Qualified legal counsel to act in the behalf of the Indians should be provided by the Crown in such matters and a thorough and fair hearing should be extended to them.

Section 18 of the Indian Act provides that "the Superintendent-General (Minister) may, from time to time, upon the report of an officer or other persons specifically appointed by him to make an inquiry, determine who is or who is not a member of any band of Indians entitled to share in the property and annuities of the band.

Sub-section 2 provides that the decision of the Superintendent-General (Minister) in any such matter shall be final and conclusive, subject to an appeal to the Governor-in-Council.

Under this section, the Superintendent and the Governor-in-Council are given sole jurisdiction to determine who is and who is not an Indian and who may or who may not benefit from the treaties and other rights enjoyed by Indians. The Indians of this Organization object to this method of determining who may come under the Treaties. Because of the fact that when the Treaties were signed, the white man was content to leave it entirely to the discretion of the Indian Chiefs and their Councillors to determine who were to enjoy the Treaty rights, they feel that this section cannot be construed as anything but an abrogation of certain Treaty rights. It is necessary that those matters be determined by the Indians themselves according to the customs and traditions of Indian bands. It is therefore, submitted that section 18 of the Indian Act should be repealed and there should be submitted therefor, a provision whereby the determination of the Indian band as to the membership of any person in such band who is entitled to share in the property and annuities of the band should be within the sole jurisdiction of the Indian band itself to determine according to democratic principles. In this regard, reference should particularly

be made to Order in Council Nos. 1172 and 1182 and also the case of *Regina v. Howson*, 1 Territory Law Reports 492, and also to the report of a recent inquiry of The Honourable Mr. Justice W. A. Macdonald in the Lesser Slave Lake area.

Furthermore, this Organization submits that there should be immediately undertaken an investigation of all persons and their families expelled from Treaty rights under Section 18, with the object of restoring them to Band Rolls and complete treaty privileges if the Indian Band so deems it proper and just.

42. *The position of Superintendent-General is especially anomalous.*

The position of the Superintendent General is an especially anomalous one, in that the Act purports to require him to act as agent for the Crown, and also as representative of the Indians. It is true that theoretically, Indians are wards of the Crown, and as such, enjoy the benefits and advantages which the Crown may afford and extend to them through its agents. To this extent, the Superintendent General, as agent of the Crown, may be deemed to be in a position in which he is able to extend such benefits. But there are cases in which a *cestui que trust*, i.e., the person to benefit from the existence of the trust (in the position of which the Indians may be deemed to be) are entitled to advice and services apart altogether from those extended to it by a trustee (in this case, the Crown). One of the principal difficulties appears to have arisen in Indian Affairs because the same person has sought to act and represent the interests of both the Crown and the Indians (the trustee and the *cestui que trust*). The result has been that the Superintendent General, who has been placed in this inconsistent position, has found it impossible to advance the interests of both parties at the same time. He has, therefore, leaned heavily in favour of the Crown, it being the stronger, more vocal and the more affluent of the two parties.

43. *Indians should exercise their vote freely in matters of Indian concern.*

The precedent of permitting Indians to exercise their vote freely and universally, in determining the question of release or surrender of a reservation is established by Section 51 of the Indian Act. This is a precedent which, it is submitted, should be extended to include many other fields of endeavour and matters of Indian concern, and should replace the arbitrary methods of determining questions by the Superintendent without recourse to further appeal. Under Section 39 and also under Section 52 of the Indian Act, the Exchequer Court of Canada is given the right to order the recovery of lands, and also to determine finally those facts relating to the removal of Indians from a reserve. There appears no reason why provisions of this nature ought not to replace legislation endowing the Superintendent General or the local agent with wide and unrestrained powers.

44. *Chiefs and Councillors should be chosen in any way that Indians see fit.*

Although at the time of the treaties, the Crown regarded the Indian Chiefs and Councillors, elected according to customary Indian practices, as having complete power and jurisdiction over Indian Affairs for all purposes for which the Crown had to deal with Indians, the Indian Act has changed their status or has at least purported to do so. At the time that the Indian Treaties were signed, the representatives of the Crown met the Chief and Councillors selected by the Indians according to their own method of choice, and according to their own customs and tradition. Furthermore, in negotiating the treaties with the Indians of the Plains, Lieutenant Governor Morris expressly promised that Indians would have the right to determine their own way of life without compulsion from without. The Indians to-day feel that they should still be able to choose their Chiefs and Councillors in any way that they see fit, by

election for a term of years or otherwise, as they may desire. Therefore, they object to provisions in the Indian Act which stipulate a method whereby Chiefs are to be elected, and also which provide by section 96, that the Governor in Council has power to determine when it is advisable for the government of a band to introduce the elective system of Chiefs and Councillors or head men. These are matters which should be left to the discretion and determination of a majority of the band and dealt with according to the customs of the band. Such representatives, whether Chiefs or Councillors, as the band may determine, should have the power to deal with the affairs of the band, and should not be required, for the purpose of altering or changing the system of choice, to obtain the permission of the Governor in Council or Indian agents. The Indians of this Organization are of opinion that one of the principal reasons for the failure of Indians to govern themselves successfully has been the interference which has consistently been present, by Indian Agents and other representatives of the Department of Indian Affairs. Only by permitting Indians the opportunity of directing their own affairs according to their best judgment and according to the custom of the band, can they develop those systems of free and democratic local government which are so desirable throughout this country. This may involve a measure of trial and error, but this is inevitable under any system of free government:

45. All Indians should be permitted to elect a council.

This Organization strongly recommends that every opportunity be given to Indians to learn and practise the essence and principles of democratic self-government. This should be carried on according to Indian customs on the reserves by persons chosen by the freely expressed will of the Indians in every band and all Indians that so desire should be permitted to elect the Council which will have the powers referred to in Section 185, Part II of the Indian Act. It cannot be emphasized too strongly that the granting of such right should not depend upon the direction of the Governor in Council. Indians should be permitted to elect the Council whenever they themselves feel that they are sufficiently developed to manage their own affairs. (This would remain a matter entirely separate and apart from the principle of enfranchisement which is not endorsed by the Indians of this Organization and which is discussed later in the brief.)

The Indians must be permitted to govern themselves and direct their own affairs if Indian advancement is to be promoted on the reserve within the scope and application of the treaties.

46. Indians should be trained to administer and enforce the regulations of their councils.

Enforcement of orders of the Council proceeds under Section 185, subsection (4) of the Indian Act, as in the case of summary conviction offences under the Criminal Code of Canada. It is probably inevitable that enforcement should be by justices of the peace and magistrates of non-Indian origin for a time, but it is submitted that in thickly settled areas of Indian population an endeavour should be made to prepare and train Indians for the administration of justice, in so far as such administration and enforcement relate to rules, regulations and orders regularly promulgated by the Indian Councils provided for under Part II of the Indian Act. In this development there will follow an increased awareness by Indians of the law itself, and an increased respect for the law, as well as a more sympathetic application of the rules and regulations of the Councils, by men who themselves are Indians.

47. *Indian councils must have some autonomy and division of powers if necessary.*

In order that the Indian councils acquire significance, there must be a measure of real autonomy over certain subject matters assigned to Indian councils for control.

As the Indian Act stands now, wide powers are invested in the Superintendent General to set up schools and to make regulations therefor, in virtue of section 9 of the Act, and although under Part II of the Indian Act, a council normally has the power to make such regulations governing schools, subsection (2) of section 95 resolves any conflict in regulation between the council and the Superintendent General in favour of the Superintendent, and there thus appears little efficacy in the powers which are stated to be vested in the local councils. If matters over which Indian councils legislate can also be dealt with by the Superintendent, and if any rules which the Superintendent General may make take precedence in every case over the council's legislation, there can be expected to exist no stable foundation for councils, or self-government which the councils are intended to foster.

It is submitted that instead of asserting this general paramountcy of governmental regulation, there be a definite distribution of powers. Under this distribution, certain matters should be reserved exclusively for the control and legislative enactment of the band, and other matters should be reserved exclusively for the legislative enactment of the Governor-in-Council and/or the Superintendent General. Then, there should be accorded the bands complete and supreme power to enact rules and regulations touching those matters over which it has sovereign control, and in those matters reserved to the bands there should be no interference or legislative enactment by the Governor-in-Council and/or the Superintendent General. In this way there will be developed that independence and self-reliance which are so necessary to the assertion of the community will, and to the generation of strong personal traits among the individuals of the community or band.

48. *Crown should furnish suitable legal counsel to the Indians.*

If resort to the Exchequer Court of Canada, or to any other Court is at any time necessary to determine the rights of Indians as related to the rights of other groups or persons, or to the Government, this Organization, believing that Indians are at a decided disadvantage without funds and without legal counsel, recommends that the Crown furnish Indians and Indian organizations, being parties to the proceedings or intervening therein, with suitable legal counsel to present their cases, in the best possible light. This Organization is further agreeable, if the Government of Canada cannot furnish such assistance to making available for this purpose the income from funds held in trust by the Crown for Indians.

49. *Summary of recommendations re councils.*

It is therefore recommended (a) that the Councils provided for in Part II of the Indian Act be strengthened and broadened in appointment and powers; and (b) that there be appointed counsel to such councils, being appointees of the Crown, but being charged solely with the duties of advancing the autonomy and independence and interests of Indians, and that their duties in no way impinge upon or relate to those of the Crown, either in its relationship to Indians, or in the relationship of Indians to other elements of the population.

50. *Band membership is a matter for the band.*

This Organization submits that the determination of members of the band and its Chiefs and Councillors should be a matter for the band to decide and one in which only the band should rule. Furthermore, the consent of the majority of the band should be required before any inclusion or exclusion takes effect.

Section 12 of the Indian Act purports to exclude from membership in a band (and hence from the benefits accruing to such individual) "any illegitimate child . . . unless he has, with the consent of the band whereof the father or mother of such child is a member, shared in the distribution of moneys of such band for a period exceeding two years . . .", and even in such cases, the Superintendent General has power to exclude such illegitimate child from a band. Upon broad social and humanitarian grounds, there can exist no basis whatever for a provision such as is contained in this section.

Section 13 of the Indian Act prohibits Indians from claiming the benefits of the band if they have been absent for a period of five years continuously from a foreign country and without the consent in writing of the Superintendent General. This constitutes an unwarranted interference with the general laws of domicile according to the English common law, and is an inordinately stringent regulation governing the right to claim the benefits of the band. It would appear more appropriate that the general laws of domicile be made to apply here, and that so long as an Indian possessed the *animus* or intention to return to his band, his rights therein ought to be preserved intact pending his return or an unequivocal decision to absent himself permanently.

51. *Expenditures of trust funds without consent.*

Section 93 of the Indian Act relates to the expenditure of moneys held in trust by the Crown for Indian bands, and subsection (1) thereof provides that the Government of Canada may, with the consent of the band, authorize or direct certain expenditures. Subsection (2) of this section provides, however, that expenditures of such moneys may be made by the Superintendent General even in cases in which a band refuses to consent to such expenditure, provided the Superintendent is of opinion that it is in the interest and welfare of the band so to do. The effect of these two sections is that, even in cases in which the band requests that an expenditure be made, the Superintendent is free to ignore the request, and refuse to make the expenditure in question. On the other hand, however, even if the band definitely refuses to consent to an expenditure, the Superintendent is free to ignore the band's desires, and may proceed to spend the money in question. A most unjust situation therefore results from the application of the terms of this section, and this Organization strongly recommends the repeal thereof, and the enactment of provisions to the effect that the desires of a band expressed upon a free vote in favour thereof by a majority of the members of the band, shall be carried out by the Superintendent. Without such provision, Indians must remain the servile instruments of a bureaucracy which is required to take no cognizance whatsoever of the wishes, the hopes, the desires or the demands of the group of persons whose funds and very lives it controls, with responsibility to no one.

52. *Band should be empowered to recommend expenditures out of Indian Trust Funds.*

The Association recommends that recognized bands be endowed with power to recommend expenditures out of Indian funds held by the Government of Canada in trust, and that all such recommendations be regarded as the unequivocal and conclusive wish of the Indians concerned, and be acted upon by the Department of Indian Affairs accordingly, in order that responsibility may be placed upon Chiefs and headman, and with responsibility may come greater stability and confidence in the relationship between Indians and the Government.

53. *Accounting of all returns on capital investment should be rendered to Band.*

Periodic statements of the condition of trust funds should be made to the chief of each recognized band, in order that the Indians thereof may become conversant with the state of their finances, and may take such action as may

seem just and reasonable in view thereof. In addition, any member of the Board so requesting must be furnished with a statement. Furthermore, all returns on capital investments should be paid annually to the Indians and their children, and an accounting rendered at the time of such payment. Failure to do so breeds suspicion and distrust, with the result that it is generally believed to-day that, in many cases, the proper payment on capital investments is not, and has not been paid to the members of bands to whom such moneys are owing.

54. Lands rightfully theirs have been expropriated.

Under the treaties, Indians are entitled to the lands designated as reserve for all time in consideration of the great concessions granted by the Indians to the white man.

These rights have not always been respected since under the power of the Indian Act, Indians have been removed from their reserves and their lands have been expropriated and occupied.

Under the Indian Act as it stands and is administered to-day, wide powers are granted to the Superintendent of Indian Affairs to remove Indians from their reserves, to expropriate and occupy reserves under a variety of circumstances contrary to the provisions of the treaties and contrary to the express wishes of the Indians concerned. This Organization affirms the inviolable rights of Indians to their lands and recommends that henceforth the safekeeping of these lands must be regarded by the Government of Canada as a sacred trust, the duties of which cannot be detracted from by statute or by practice, and that the rights attaching thereto, demand complete and absolute fulfilment.

The Indians of Western Canada regard the practice whereby the Department of Indian Affairs directs building and uses land belonging to the Indians on the reserve for the purpose of administering Indian Affairs, as a further encroachment by the white man upon the reserves. While the Indians recognized the necessity of an Indian Agent being upon the reserve, any use which he or other agents or servants of the Crown may make of Indian lands should be duly paid for by the Department of Indian Affairs. Otherwise, such use can be regarded as nothing but an encroachment upon the rights of Indians to the exclusive use and enjoyment of their lands on their reserves. Therefore, it is recommended that compensation be paid to Indian bands for use by the Department of Indian Affairs of such lands.

Section 34 of the Indian Act provides that no person or Indian other than an Indian of the band shall without the authority of the Superintendent General, reside or hunt, occupy or use any land or marsh, or reside upon or occupy any road, or allowance for roads, running through any reserve belonging to or occupied by such band. The inviolability of Indian lands is recognized by this section, but the Superintendent is given the power to exempt persons from its operation. The Indians can regard this as nothing but a violation of their right to the sole use and enjoyment of Indian lands. The Superintendent General, therefore, should not be given the power to permit persons to use Indian lands or hunt upon them or otherwise encroach upon them. It is necessary that if any one come upon those lands, such person should first be approved by the band and not by the Superintendent who simply acts as servant for the bands for purposes of using such lands.

Subsection 2 of section 34 provides that all deeds, leases, contracts, agreements or instruments made or entered into by any Indian purporting to permit persons other than Indians of the band to reside or hunt upon such reserve or to occupy or use such land shall be void. This Organization agrees that no individual should be permitted to alienate Indian lands. But, if the band council at its duly authorized meetings permits such person or enters into such agreements, those agreements should be valid ones and should not be regarded as

void. To take away from Indians every right to dispose of their land and to vest that power in a superintendent is to stultify the power of the Indian to deal with his own affairs.

55. No leases without consent.

Subsection (3) of section 93 empowers the Superintendent General to lease any part of reserve lands, if he is of opinion that the individual Indian requires to cultivate it, neglects to do so. The question of an Indian's neglect is one resolved entirely by the Indian Agent or the Superintendent, and there is no right to impeach that decision. Upon reaching such decision, the lands alleged to be uncultivated may be leased without the consent of any of the persons concerned, including the band occupying the particular reserve. The Organization strongly disapproves this method of dealing with portions of reserve land, and recommends that henceforth no leases whatsoever of reserve land shall be entered into without the consent of the band itself, and thereafter, only according to the terms agreed to by the band.

56. No use of Indian land without consent.

The Organization recommends further, that no use whatsoever of Indian lands, whether under lease or otherwise, shall be made without the consent first received, from the band concerned. Farm instructors at present operate government machinery on reserves for instructional and experimental purposes, and land is cultivated by such instructors. To this, the Organization raises no objection. However, some instructors at present cultivate land for their own private use on the reserves, and bring their own equipment and machinery thereon. The Organization recommends that farm instructors confine their effort to instruction alone. No servant or agent of the Crown should henceforth operate on a reserve, any farm equipment, except for demonstrative purposes, nor should they use or consume any products of the land belonging to the band, except such as they may produce from the land and require for their own personal needs, and for those of their families.

57. No employment of persons without consent.

Section 94A of the Indian Act empowers the Superintendent General to employ such persons on farms of Indian reserves, as to him may seem proper and desirable. To this practice, the Association raises the serious objection that frequently, a band will find it impossible to co-operate with unsuitable instructors and agents or persons chosen and appointed by the Government. The employment of assistants on the farms and in the reserves should be a matter determined in co-operation with the Indians affected, and this Organization recommends that in all cases, the matter of personnel on reserves be referred to the band for approval, and, if the band disapproves of the hiring of any particular person, such person shall not be appointed to a post in the reserve in question. Common sense, reason and fundamental justice demand that in matters of appointments, the Indians concerned should be heard, and their wishes respected.

58. Expropriation in or near town or city is a denial of treaty rights.

Section 52 of the Indian Act provides that—

In the case of an Indian reserve which adjoins or is situated wholly or partly within an incorporated town or city having a population of not less than eight thousand, and which reserve has not been released or surrendered by the Indians, the Governor in Council may, upon the recommendation of the Superintendent General (Minister), refer to the judge of the Exchequer Court of Canada for inquiry and report the question as to whether it is expedient, having regard to the interest of the public and the Indians of the band for whose use the reserve is held, that the Indians should be removed from the reserve or any part of it.

This, and the provisions associated with this subsection have the effect of denying the Indians the rights unequivocally granted to them by the Treaties with the Crown, and more particularly of Clause 1 of the "Qu'Appelle" Treaty (and corresponding provisions of other treaties) whereby it was covenanted and agreed as follows:—

And Her Majesty the Queen hereby agrees, through the said Commissioners, to assign reserves for said Indians, such reserves to be selected by officers of Her Majesty's Government of the Dominion of Canada appointed for that purpose, after conference with each band of Indians, and to be of sufficient area to allow one square mile for each family of five, or in that proportion for larger and smaller families. Provided, however, that it be understood that if, at the time of the selection of any reserves as aforesaid, there are any settlers within the bounds of the lands reserved for any band, Her Majesty retains the right to deal with such settlers as she shall deem just, so as not to diminish the extent of lands allotted to the Indians; and provided further that the aforesaid reserves of land, or any part thereof, or any interest or right therein, or appurtenant thereto, may be sold, leased or otherwise disposed of by the said Government for the use and benefit of the said Indians, with the consent of the Indians, entitled thereto first hand and obtained; but in no wise shall the said Indians, or any of them, be entitled to sell or otherwise alienate any of the lands allotted to them as reserves.

A provision of the nature contained in Section 52 of the Indian Act is contrary to the letter and the spirit of the Treaties under which the Indians agreed to surrender their rights. This Organization, therefore, strongly protests the practices of the Government of Canada under the provisions of this section, and recommends that Section 52 of the Indian Act be repealed.

59. *Soldier settlement expropriation also violates Treaty rights.*

Similar in nature, are the provisions of Section 188 of the Indian Act, which empower the Superintendent General to acquire Indian reserve lands for purposes of the settlement of soldiers under the Soldier Settlement Act, without the consent of the band in possession of such lands. This section is in direct contradiction of Section 51 of the Indian Act, which purports to require the consent of the band to any surrender of reserve lands, and is in contravention of the terms of Article 1 of the Qu'Appelle Treaty, referred to above. It is therefore recommended by this Organization that this and other sections of the Indian Act, which have the effect of ignoring the wishes and sensibilities of an Indian band in expropriation proceedings, be repealed, and that a new attitude be infused in the provisions dealing with Indian property; one which regards as inviolate, the rights of the Crown's oldest *cestuis que trustent*.

60. *Illegal possession.*

Section 35 relates to the removal of trespassers illegally in possession of lands, and subsection (4) thereof states that any such person illegally possessed of land may be required "orally or in writing" to determine his illegal possession. It is realized that the provision was inserted because of the illiteracy of certain Indians. Nevertheless, because of the serious consequences which follow a continued illegal possession, and because of the abuses which may so readily arise, it is submitted that the "or" should be altered to read "and", and that in every case, whether the Indian concerned is literate or not, the requirements be made orally, and in addition, a written order be handed to the Indian concerned.

61. *Agreement between the Indian Bands and the Government should be sought.*

The Organization is of the opinion that in cases in which the white man's cities and towns grow and expand into areas owned by the Indians, suitable arrangements can be made by agreement between the Indian Bands concerned and the Government of Canada and/or the provincial or municipal government which may be interested in the area. The Indian population of Canada has no desire to thwart progress of any nature. On the contrary, it is desirous of becoming a material force in the development of the country. This end, however, can be achieved only by agreement, and the practice of compulsion, in the movement of Indian Bands from land inalienably theirs, can cause nothing but bitterness and antagonism between the Indian and the white man—a situation which this Organization and all other Indian groups are desirous of avoiding.

62. *Expropriation for schools.*

Section 11 of the Indian Act, which relates to the taking of lands for purposes of schools, provides as follows:—

11. The Governor in Council may take the land of an Indian held under location ticket or otherwise, for school purposes, upon payment to such Indian of the compensation agreed upon, or in case of disagreement such a compensation as may be determined in such manner as the Superintendent General may direct.

This power of expropriation is a considerable one, and it is improper that it should be exercised in relation to Indians, in a manner different from that exercised in relation to other persons in a community. Similar expropriation legislation in Ontario, for example, provides for a Board of Arbitration in such cases, and the Expropriation Act of the Parliament of Canada provides that in case of dispute as to the valuation of lands, the matter shall be resolved by the Exchequer Court of Canada in a proper judicial manner. Section 11 opens the door for arbitrary action in cases in which it is sought to expropriate Indian lands for school purposes.

63. *Right to dispose of produce.*

Sections 40 and 41 of the Indian Act, added by amendment of 1932-1933 Canada Statutes, cap. 42, impose certain restrictions upon the sale of cattle, etc., grown on the property of a band. The object of these restrictions appears to be to prevent the wrongful dissipation of the assets of the band by any one member thereof. However, restrictions of an oppressive nature, such as those contained in these sections, have the inevitable effect of weakening the ability of persons to develop independence and self-reliance, and, far from achieving the avowed purpose of the sections, they encourage the wrongful disposition of the produce of reservations. By encouraging the band council itself to impose regulations upon the disposition of such produce, it appears that the object of the enactment would more readily be achieved, and in addition, that the benefits accruing to such bands in their practice of self-discipline and self-regulation would be considerable.

64. *Power to dispose of property.*

Section 108, subsection (5) imposes a restriction similar to that in sections 40 and 41 in respect of the sale and barter of any animal by an Indian without the consent of the Indian agent. Here again, it is submitted that what restrictions are to be imposed upon any dealing in the assets of the band, ought to be imposed by the council of the band, and not by the Indian Agent or any other agent of the Crown. Freedom of trade among Indians of the reserves should be encouraged.

65. *Mineral Rights.*

It should be noted that no mention of mineral rights was ever made in any of the treaties in which Indians surrendered their rights. In those sections which deal with the surrendering of land rights, the term "land" alone is mentioned. The Indians at no time had any intention of surrendering their mineral rights and the matter was never discussed or ruled upon by the Commissioners.

Through the administration of the Indian Act, Indians have been deprived of their rights to minerals not only in the whole of Canada, but upon lands within the reserves.

The Indians of western Canada believe that it is only just that they should now be entitled to mineral rights not only upon their reserves, but upon all lands in the western provinces. From these they claim royalties, which in the past have never been paid to them, and they claim that failure to pay them such royalties amounts to a breach of treaty rights. This should be rectified by an amendment to The Indian Act, providing for payment of past royalties for mineral development.

Section 2, Clause J, of the Indian Act in defining "reserve", includes in it "any tract or tracts of land set apart by treaty or otherwise for the use or benefit of or granted to a particular band of Indians, on which the legal title is in the Crown, and which remains so set apart and has not been surrendered to the Crown, and includes the trees, woods, timber, soil, stone, minerals, metals and other valuables thereon or therein". However, by Section 50, the Indians themselves have no control over the alienation of this property, and it is believed that such properties should be alienated only by a majority vote of the band.

66. *Homestead disability.*

Section 155 of the Indian Act provides that Indians shall be incapable of acquiring a homestead in the provinces of Manitoba, Saskatchewan and Alberta. It is provided that their occupation under certain circumstances shall not be disturbed, and that in certain cases, they shall be compensated for improvements made upon what otherwise would be homestead property. There appears no valid reason why Indians should be excluded from the application in these provinces of those statutes of general import, which permit of the occupation and ownership of a homestead. This right would appear to be of particular value in Saskatchewan and Alberta where the settlement movement at present is northward and it is submitted that Indians ought to be placed in at least as good a position as other persons in these provinces, in so far as the acquisition of homestead property is concerned.

66A. *Inventions.*

Since many Indians are of an inventive mind and have little means to finance a search for patents, or to obtain patents or to make models for patent purposes, the Indian Affairs Branch should make provision whereby such inventions or models may be investigated, and, if worthy, be patented for the benefit of the Indian concerned.

67. *Wills and Testamentary devises.*

Section 25 of the Indian Act provides that every will and testament of an Indian must be approved by the Superintendent General, and if such will has not been approved, it shall be null and void, and of no effect. The object of this section appears to be to prevent the alienation of lands contained in a reservation and preserved for the use and enjoyment of a band as a whole, and it seeks to prevent the interference with this object. But the provision as it now stands constitutes an unwarranted interference in the right of testamentary disposition, and the same effect could more justly be secured if a provision were substituted for the present section 25 whereby it is stated that any attempt

to alienate reservation property by means of testamentary disposition should, *pro tanto*, be null and void. In this way, the entire will would not be voided for lack of the mere formality of submitting it to the Superintendent General and receiving his approval, and it would characterize such testamentary dispositions as confidential during the lifetime of the Indian, and would accord him the respect which he deserves.

68. *Succession upon intestacy.*

Section 26 of the Indian Act relates to succession upon intestacy, and in providing for the devolution of a one-third share of a husband's property to his widow, provides that such widow shall be "of good moral character". No objection can be taken to this provision, which finds its counterpart in many provincial Dower Acts and Widows' Relief Acts. However, subsection (2) states that:—

The Superintendent General (Minister) shall be the sole and final judge as to the moral character of the widow of any intestate Indian.

This provision places altogether too great and unrestrained a power in the hands of the Superintendent General, and if, as a matter of convenience and expediency it is found necessary to endow him with some similar power, it is desirable that some appeal should lie from his decision to a Court of competent jurisdiction, or to some body or official locally situated, who may review the determination of the Superintendent General upon the application of the widow who may make representations thereto on her own behalf.

69. *Judicial powers of council in matters relating to succession.*

A wide and unrestrained power is given to the Superintendent General in section 32 of the Indian Act, in which it is stated that he:

may decide all questions which arise under this Part, respecting the distribution among those entitled thereto of the property of a deceased Indian, and he shall be the sole and final judge as to who the persons so entitled are.

Again, this is too broad a power, and should be restrained and modified by a right of appeal. In addition, it should be expressly stated that this power can be exercised only after a full and fair hearing has been afforded interested parties to make representations before the person making the decision, and also, to take an appeal to a tribunal available to such persons at the same time readily and cheaply accessible to them. It is recommended that the council, provided for in Part II of the Indian Act, should be endowed with power to determine the judicial or quasi-judicial matters relating to succession, and other matters which concerns the internal affairs of a band, in order that self-government may be encouraged, and self-determination assured according to the customs and traditions of the band.

70. *Liability to taxation.*

Although the Indians of Canada have no desire to avoid their responsibility as citizens, it is the opinion of this Organization that until equality of economic opportunity and of status is achieved, and becomes a reality, the Indian population should be subject to no form of taxation whatsoever, either direct or indirect. The difficulties inherent in granting exemption from indirect taxation to Indians are appreciated, but it is recommended that all reasonable efforts be made by the Government of Canada, to relieve Indians of the liability for payment of taxes of any nature whatsoever.

71. *Liability to military service.*

Treaties numbered 3, 6 and 8 specifically exempt Indians from conscription for military service. In virtue of the signing of the Indian treaties, the Indians were regarded as a nation and as one with whom the British Crown entered

into diplomatic relations. Because of these treaties the Indians therefore have never been regarded as British subjects nor can they ever be regarded as Canadian citizens under existing legislation. Thus, it follows that regulations pertaining to conscription for military service should not be applied to Indians.

It should be pointed out that the loyalty of the Indian people cannot be questioned. More than 2,500 young men and women from the reserves have served with efficiency and distinction in the war just completed. Most of these served voluntarily and the Indians do not object to this since it is in accordance with their age-old traditions which have always stood for the freedom of the individual and of the group.

The Indians do object to conscription. They believe that once they laid down their arms in peace with the British Crown and signed treaties with the Crown, they should never again be asked to take up arms in behalf of the Crown. Preferential treatment has been afforded to Mennonites, Hutterites, Doukhobors, and other groups of immigrants from Central and Eastern Europe; there exists no reasons why the same exemption from military service should not be accorded by law to the Indians. Furthermore, it is submitted that the case of the Indians is a far stronger one than that of any other group, and that it deserves immediate consideration.

It should also be noted that in 1917, under the Act applicable during World War I, Indians were specifically exempted from compulsory military service. This practice should be continued and the principle reinstated in appropriate legislation for the Indians of to-day.

72. *Franchise is meaningless without education and economic liberty.*

This Organization does not favour the enfranchisement of Indians in Canada, but does recognize the necessity of eventually assuming the responsibilities and duties of citizenship, as well as the rights thereof, but the franchise itself is a thing of which the Organization cannot approve as such. It is regarded, not as a desirable end in itself, but rather as only one of the indicia of full-fledged citizenship. The franchise, without the education and knowledge necessary to exercise it intelligently, and in the interest of the country, is an asset neither to the Indians who possess it nor to the nation of which such element is a part. Similarly, the franchise, without equality of economic opportunity simply disguises a system which perpetuates classes of freedom and bondsmen, and does not pretend to attack the inherent evils of such an order.

It is the opinion of this Organization that the rights granted to Indians by their Treaties with the Crown are adequate to raise the standards of Indian life, provided that the Treaties are sympathetically interpreted and administered by men of good will, with cognizance of Indian problems, and the *bona fides* to assist in solving them. When that has been done and the matter of citizenship placed in its proper perspective as a choice to be made individually by every Indian for himself, the franchise will become meaningful to Canada's oldest people—and her newest citizens. The franchise, therefore, is regarded by this Organization as the final affirmation of racial, religious, educational and economic liberty and equality, and it is only upon this basis that the franchise is desired. At present, it is not desired, in future, it may be regarded as valuable.

73. *Enfranchisement must be on a voluntary and individual basis.*

Therefore, this Organization does not favour an indiscriminate or general enfranchisement of Indians, either in bands or in other groups. It is of the opinion that since the rights and responsibilities of citizenship are primarily individual in nature, so enfranchisement must be upon an individual and specific basis. Laws which enfranchise an entire band upon the vote of a majority thereof, violate the treaty rights of all Indians who are members of the minority group, and who have voted against enfranchisement. More important ever

they violate every principle of the Common Law and of International Law, which determines the nature of a man's citizenship, apart from the question of birth, according to individual action, individual consent and individual conduct.

74. Enfranchisement must be confined to individuals upon application.

The Organization approves of the provisions of Section 110 of the Indian Act which relates to the enfranchisement of individual Indians, upon application by them, and upon approval of their fitness for enfranchisement by examination. However, it strongly condemns the provisions contained in subsection (14) of this section, which empower a Board of Inquiry to determine the fitness of the Indians of any band who have not made application for enfranchisement, the report thereof to have the same force and effect, and to be dealt with in the same manner as if an application had been made for enfranchisement under that section. Under the Treaties, Indians were constituted wards of the Crown, and the special privileges attaching to that status are, without the consent of every Indian involved, certain and inalienable. The Indian's birthright, is his preferred position under the Treaty, and the rights deriving therefrom cannot and should not be interfered with, except upon the special application of the individual concerned. To seek to enfranchise Indians except on this basis and by the procedure outlined in subsection (14) of Section 110 of the Act, is to commit a serious breach of the Treaty terms. In addition, it is to fly in the face of the English Common Law which individualizes the question of status, domicile and nationality, and which bases a determination of these matters upon the *animus* or wishes and intentions of the individual involved, and which places great weight upon the conduct of the particular individual. The provision of subsection (14) abrogate every principle of law heretofore evolved for these purposes, and, in addition, deprive the Indian of his privileges under the treaties, and of his normal contractual rights as they have always been understood. This Organization therefore recommends the repeal of subsection (14) of section 110, and a confinement of enfranchisement to individuals only upon application.

75. Non-enfranchisement.

The members of the Association do not desire any form of the franchise, provincial or federal, to be imposed upon the Treaty Indian people.

The members of the Association do not desire any form of representation in the House of Commons, in the Senate, or in the Provincial Legislature.

76. Conclusion: Voice of Indians should be heard.

The Indians of this Organization submit that nothing should be done by the Department or by the Indian Affairs Branch or by the Government of Canada which at any time will serve to sever the close relationship which has existed from the commencement of the Treaties between His Majesty and the Indian Nations who have concluded treaties with the Crown.

Furthermore, all changes in the Indian Acts and regulations pertaining to it should be made only after consultation with the authorized representatives of the Indian Nations of Canada in order that they may have a voice in stating such changes as they may think necessary or desirable.

Lastly, it is recommended that in the staff of the Department dealing with Indian Affairs there should be placed progressively more and more Indians who themselves will have a real knowledge of Indian affairs and who will be able to administer their Indian affairs in a sympathetic and understanding manner. This is of utmost importance to the Indians of Canada in order that they may participate themselves in formulating the policies which govern them.

A long-range policy is needed with the over-all aim of the total amancipation of the Indian, at his own pace and as he wishes. Fundamental to this, are the establishment of democratic practices, provision for opportunity to make a living, full health care and a proper educational program.

The first thought for the future should be co-operation: co-operation among Indian bands and the Indians themselves; co-operation between Indians and their white neighbours; co-operation between Indians and the Government of Canada. Not in hand shaking alone—as in the conclusion of the treaties in the 1880's—but in hands working together for the creation of a greater Canada and a happier Canadian people, can the hopes and aspirations which are mutually ours, be realized.

All of which is respectfully submitted.

SUMMARY

MEMORANDUM IN REPLY TO CIRCULAR LETTER OF MR. LICKERS

1. *Treaty Indians and Obligations.*

The Association states as follows:

All rights and privileges, expressed or implied, contained in the original Treaties Six, Seven and Eight, which affect the Treaty Indian of the Province of Alberta, must be reaffirmed in accordance with the original intention of these Treaties.

All reserves must be retained, education must be provided, relief to the indigent, aged, crippled and sick, free medical services with free hospitalization and surgery, sanatoria for the treatment of tuberculosis and all other services which modern practice require for good health and welfare.

These treaties must be preserved for eternity.

2. *Band Membership.*

- (a) No Treaty Indian may be expelled from Treaty.
- (b) Illegitimate persons mentioned in section 12 of the Indian Act should be given full Treaty Privileges with the approval of the Band concerned. No child should be punished for what is not his own fault.
- (c) Subject to the approval of the Band concerned, all minor children of an Indian woman who marries outside her reserve, loses her first husband and returns to her first reserve and remarries a Treaty Indian should be received into band with all Treaty privileges. Children of widows described herein or full orphans should be given Treaty rights.
- (d) Subject to the approval of the Band, all children of a Treaty Indian who marry outside, should continue in full membership according to Section 2, subsection (d) (ii), of The Indian Act.
- (e) Subject to the approval of the Band, all descendants of a Treaty Indian ancestor (male) should retain full Treaty Rights regardless of the ancestry of the female ancestor.
- (f) Subject to the approval of the Band, such persons as are described (e) above should remain in full band membership so long as the percentage of Indian blood is $12\frac{1}{2}$ per cent or more.
- (g) All expelled persons in the Hobbema and Driftpile Agencies should be restored to full Treaty Rights immediately.
- (h) No person should be received into Treaty except those mentioned in (g) above.

- (i) Subject to the approval of the Band, no persons, at present enjoying Treaty rights, should be expelled because some remote ancestor received scrip. (That such persons have been permitted to remain in Treaty at all is the fault of the Government and the Government must not, after several generations, expell the descendants.)

3. *Liability of Indians to pay taxes.*

There must be no land taxes upon reserve lands.

There must be no form of income tax, or produce tax, or sales tax, imposed upon produce or earnings within a reserve.

Excise taxes and sales taxes, such as those upon tobacco and matches now regularly paid by Treaty Indians purchasing the same as stores, might continue, but Old Age Pensions, Family Allowances, Pensions for the Blind and other forms of present and future benefits should at the same time be extended to all Treaty Indians without cost to the individual or to his Band.

4. *Enfranchisement of Indians both Voluntary and Involuntary.*

Voluntary enfranchisement should not be fostered or encouraged by the Department.

Involuntary enfranchisement must be abolished forever.

Section 18 of the Indian Act must be wiped out altogether. This power must be taken away from the Government. Such power is dictatorial and has no place in a democratic Canada.

5. *Eligibility of Indians to Vote at Dominion Elections.*

Our Treaty Indians do not want to vote or to have the vote forced upon them. It is regarded as a trap to lead the Treaty Indians astray.

6. *The Encroachment of White Persons on Indian Reserves.*

There must be no surrender of reserve lands, occupied or unoccupied, in the future.

There must be no new leases of Indian Reserve lands except as described below.

Leases at present operated by outsiders for farming or lumbering purposes should be recovered for the exclusive use of the Band concerned, should it so request the recovery. It is far more important that the Treaty Indians be helped and encouraged to develop and operate their own reserves exclusively for their own benefit. A program should be at once undertaken by the Indian Affairs Branch to help the Treaty Indians develop their own lands for themselves and by themselves, by supplying adequate machinery to develop their lands agriculturally. Land required for power dams, power lines, gas lines, canals, or oil and gas developments—none of which the Treaty Indians themselves can develop with their own resources—may be leased under suitable terms by the Band concerned.

7. *The Operation of Indian Day and Residential Schools.*

(See Brief on Education.)

8. *Any other matters pertaining to the social and economic status of Indians and their advancement which, in the opinion of such, should be incorporated in the revised Act.*

A. *Social Status.*

- (1) Old age pensions, widows' and mothers' allowances, pensions for the blind and crippled or sick, and family allowances, should be paid in full to the Treaty Indians without cost to the individual or to the Band.

- (2) A housing program should at once be undertaken to provide homes which will be conducive to decent home life and afford proper privacy for the occupants. Toilets should be provided for every house; homes should be properly finished inside with ceilings, partitions and double floors, properly fitting doors and windows, proper chimneys to avoid the dangers of fire.
- (3) A vigorous health program designed to combat the spread of T.B. and trachome and social diseases. Adequate nursing services; hospitalization, ambulance services on the larger reserves, pre-natal care and infant care to prevent the present high rate of infant mortality. Training of young Indian men and women in first aid and in home nursing.
- (4) Adequate supplies of pure water should be provided in all settlements on the reserves, both for stock and persons.
- (5) A vigorous campaign through the press, radio and screen, public lectures, etc., must be undertaken to combat the existing prejudice against the Indian People.

B. Economic Status.

- (1) Proper education for life.
- (2) Development of Indian lands and resources for the Indians by the Indians with proper assistance and supervision.
- (3) Preference for Treaty Indians in all positions in the Indian Services as teachers, clerks, farm instructors, agents, etc., and training of promising young Indians at Government expense for these positions. Preference should be given to Indians over all other applicants for these positions.
- (4) Use of Band Funds to help young Indians get established in life. In Alberta, many young Indians are hopelessly discouraged from making a start in agriculture or other occupations because they have no means to get started.
- (5) Extension and development of beaver, muskrat and other fur preserves.
- (6) More machinery for farming, and cattle for ranching.
- (7) Establishment of co-operating businesses on the reserves, such as lumbering, fur farming, fishing, trucking co-operatives.
- (8) Extension of reserves now infertile or unsuited to support the inhabitants.
- (9) Trades training and professional training of promising Treaty Indian boys and girls, at the expense of the Federal Government.

SPECIAL JOINT COMMITTEE OF THE SENATE AND THE
HOUSE OF COMMONS

appointed to examine and consider

THE INDIAN ACT

APPENDICES

TO

SUBMISSION OF THE
INDIAN ASSOCIATION OF ALBERTA

- "1" Agriculture
- "2" Health
- "3" Housing
- "4" Special Needs of Named Reserves

April 21, 1947.

APPENDIX "1"

AGRICULTURE

In the following appendix, this Association presents information gathered by its members from their reserves.

While the gross returns in any one year accruing to the Treaty Indians of this province are a substantial sum, The Association maintains that any general conclusions drawn may be entirely misleading. These returns represent rather a few favourably situated reserves, and a few especially successful individuals on those reserves. Examination of the individual reports appended hereto will verify this. These reports will show (1) the average cultivated holding is too small to produce, even in the best years, any more than a sub-marginal existence; (2) the gross returns do not represent the net returns to the Indian operator; (3) the area of neglected land is too large; (4) certain reserves, e.g. Pauls Band, Alexis, Stoney, and others, have little or no value as agricultural land.

Most tillage is arrived on by band-owned machinery, moving from farm to farm under direction of the Farming Instructor. Such is at best a slow process in a province so subject to sudden vagaries of climate as Alberta. It is apparent from the reports appended and from observation that any policy of encouraging Indians to individual ownership of farm machinery has failed. *If any such policy was ever sponsored by the Indian Affairs Branch why has it failed?*

The Indian cannot hire outside "white" operators on his own initiative, although his crop may be in danger of loss; he cannot legally dispose of his produce except through the permits issued by the Farm Instructor although his opportunity for an advantageous bargain may be best. He is subject to one man's opinion, which, while often the right one, is just as often incorrect. This too-paternalistic attitude has prevented development of a sense of responsibility; it has irked and retarded the ambitious Indian and has destroyed his initiative; it has held the best Indians to the same level as the least competent.

Young men and boys leaving school have rarely the means to start farming themselves. Rarely is provision made through loans or grants to enable them to start in life. They are either idle and wander, or they are compelled to work

for the wages of unskilled labour which rarely provide more than a meagre livelihood. If the Indian Affairs Branch is sincerely anxious to encourage agriculture and grazing among the Treaty Indians, a policy of assistance to the young men will be at once inaugurated through the judicious use of band funds or through a scheme of co-operative farms which will provide work, at home, and an adequate return for labour.

Too much land has been broken, farmed for a few years and then neglected. This is a result of the policy which has not yet provided an adequate acreage in the first place, adequate equipment in the second place, and too little incentive and sense of personal responsibility.

That the development of successful agriculture depends largely upon the character of the farm instructor is evident. Too often this all-important position is filled by some incompetent person reaping the rewards of successful political activities. Until this position is made competitive, until it is sufficiently remunerative to attract competent persons, no general success can be expected.

The members of this Association recommend—

(1) A thorough study of the potentialities of the reserves by a Board of competent practical agriculturists consisting of successful Treaty Indian farmers, successful white farmers thoroughly conversant with local farming and grazing conditions, and scientifically trained agriculturists. It is essential that this Board be composed of local men, rather than of persons from outside the province.

(2) An aggressive policy of developing the potentialities among younger men by providing long term, interest free loans from Federal Funds without security. The Indian who needs a start has no security or he would not need help. The precedent of extending credits and gifts of credit to European nations is sufficient to warrant a similar procedure at home. Responsibility, like charity, begins at home.

(3) Appointment of farm instructors should be made under regulations similar to Civil Service appointments; competency as practical farmers, familiarity with local conditions are essential; a knowledge of and sympathy with Indians is the deciding factor; sufficient remuneration should be paid to attract competent men; *Treaty Indians should be appointed in preference to whites—as in the United States.*

(4) Greater freedom for the Treaty Indian farmer and stockman to plan and execute his plan of operations without interference must be provided. Freedom from permits, for instance, should be the reward of competency. A man learns only by his own errors. So long as he is not given the chance to make mistakes he will never learn to avoid them.

(5a) In those reserves where grazing is of the greatest importance, boys should be provided with breeding stock BEFORE LEAVING SCHOOL, as at Pine Ridge, S.D. so that they will have the experience in using property when they leave school. This stock should be provided in sufficient numbers to make the scheme more than a mere gesture, and should come from a herd maintained by the Indian Affairs Branch on each reserve, suitable, for that purpose alone.

(5b) On other reserves where grazing is not one of the major agricultural pursuits, an equivalent value could be substituted—horses, harness, wagons, farm machinery, nets, traps, etc.

(6) The members of the Association thank sincerely the several Farm Instructors who have helped the Indians to make these reports as accurate as possible.

Special attention should be directed to the following—

1. WATER

(a) The members of the Association earnestly request that the scarcity of water for domestic and stock use at the Sarcée Reserve be remedied without delay. Many inhabitants of this reserve are compelled to use melted snow for water in winter for domestic use; others must use either "run-off" water or creek water. It is respectfully submitted that if Indians are to be encouraged to care for their own stock, an adequate supply of water must be made available at once. There is little practical value in telling the Indians to dig a well; they cannot dig deeply enough to secure water. Drilling of community wells seems to be a logical solution. As several oil companies have drilled test wells at various places on this reserve, a great deal of geological information must be available upon request, from the files of these companies. This information should contain information about water levels.

In addition to the need of water for stock, health is a major consideration. We submit that much of the water available for domestic purposes is polluted; the members of the Association living on this reserve report that there is a high infant death rate among the families forced to use surface water. There is also a high mortality rate from stomach disorders among these adults using this type of water supply.

Members also report that it is their belief that this matter has been brought to the attention of the authorities and that sums of money have been voted from the Band Fund for the purpose of drilling wells or otherwise obtaining a water supply, but no results have been apparent.

(b) A situation similar to that outlined above exists on that part of the Stoney Reserve at Morely, known as Chiniki Village. Cattle owners have too little water to supply their stock and are also forced to use melted snow in winter for domestic purposes. This matter was brought to the attention of the Superintendent of Reserves and Trusts when he visited Calgary and Morely in October and November of 1945. It was also brought to his attention by the secretary of the Association when he was in Ottawa in December, 1945.

There is said to be a layer of rock close to the surface at this locality which makes the digging of wells a waste of time. Such wells, if water is obtained, go dry in a short time. Drilling community wells is the proper solution.

This point is a centre of population on this reserve; several cattle owners live here and wish to care for their herds. They wish also to have a proper supply of water for domestic purposes. Health and sanitation demand immediate action.

(c) Polluted creek water is used by some of the people at the Alexander Reserve. A creek which was their source of supply is being polluted by a hog farm outside the reserve.

(d) More wells for community use should be drilled at the Peigan Reserve since the water level has been successfully determined.

(e) Proper stock fences should be built along all highways which pass through reserves. This is an essential at the Stoney Reserve at Morely. These should be built and maintained at the expense of the Federal and the Provincial governments, with Indian labour at current wage rates.

In conclusion, the members of this Association urge that action be taken without delay to remedy the defects of the present system of agriculture on the reserves in this province. Alexis Reserve, and Pauls Band, for example are incapable of supporting their present population. What is their future?

QUESTIONNAIRE ON AGRICULTURE SUBMITTED TO BANDS

1. How many families make farming their means of living?
2. How many families live by some other means:
 - (a) Cattle
 - (b) Day labour
 - (c) Rent of land
 - (d) Trapping
 - (e) Fishing
 - (f) Outside Reserve.—Answer each.
3. How many acres of cultivated land?
4. How many cultivated acres in average farm?
5. How many acres of land that could be broken?
6. How many acres of neglected farm land?
7. Why is this land neglected? Give reasons.
8. How much hay land?
9. How many families cut hay for sale but have no other farm interests?
10. How many privately owned (a) tractors, (b) tractor plows, (c) drills, (d) mowers, (e) rakes, (f) power binder, horse binder, (g) threshers, (h) other heavy machinery.
11. How many farms have sufficient equipment to operate?
12. How many Bands owned machinery?
13. How much Bush?
14. How much range land that is first class?
15. How many acres of range needed for one head of cattle?
16. How much timber suitable for lumber?
17. How many families have one or more milch cows?
18. How many families raise hogs for market?
19. How many families raise a quantity of poultry?
20. What in your opinion would most encourage farming on your reserve?
21. Are the people encouraged to own their own machinery?
22. How many homes have enough water supply for home and stock?
23. How many homes must haul water for drinking purposes? How far?
24. How many wells?

SUCKER CREEK LOCAL

Report submitted by Henry Prince, Councillor-Director.

1. None.
2. (a) None.
 (b) All the Band depends on day labour for their main sustenance.
 (c) None.
 (d) None.
 (e) None.
 (f) None.
 Each member of the Band does a little of everything in order to
 EXIST not LIVE.
3. There is about four hundred acres of cultivated land on the Sucker Creek Local.
4. The average farm has about 20 cultivated acres.

5. Three hundred acres could be broken easily.
6. About 70 acres of farm land is neglected because of a shortage of assistance.
- 8. We have 500 acres of which 400 acres are burnt, leaving only 100 acres of Hay Land.
9. No one sells enough hay for a living, each sells a little.
10. Privately owned machines consist of
 - (a) No tractors.
 - (b) No tractor ploughs.
 - (c) No drills.
 - (d) Seven mowers.
 - (e) Five hay rakes.
 - (f) One horse binder.
 - (g) No threshing machines.
 - (h) One hay baler.
11. No farm has sufficient equipment to operate successfully.
12. The Band owns:
 - (1) Two horse binders.
 - (2) Two drills.
 - (3) One gang plough.
 - (4) Three sulky ploughs.
 - (5) Three walking ploughs.
 - (6) Fourteen sections of harrows.
 - (7) Three discs.
 - (8) Three mowers.
 - (9) Two rakes.
 - (10) One fanning mill.

ALL machinery needs repairs.
13. Two thirds of the reserve is Bush Land.
14. There is lots of first class summer range.
15. At least 5 acres for one head.
16. There are lots of poplars suitable for lumber and a few spruces.
17. Fifteen families have one or more milch cows.
18. Four families raise hogs for market.
19. Three families raise a quantity of poultry.
20. Farming would be encouraged on our reserve if we had assistance in breaking and clearing land and if more machinery was available.
21. We would all be glad to own our own line of machinery.
22. We have no good water. The railway blocked the creek with a dam stopping the water from running through.
- 23-24. So far no one has hauled water, we make out with what we have. It is very poor and almost all our wells are nearly dry.

SARCEE REPORT

1. Twenty-five families farm but do not make a full living of it.
2. (a) Twenty-five families own cattle in various numbers.
 - (b) One family works outside the reserve, others work at harvest time.
 - (c) None.
2. (d) None.
 - (e) None.
 - (f) See A.

3. 1,656 acres of cultivated land.
4. The average farm has 50 acres.
5. 10,000 acres of land could be broken.
6. 200 acres of neglected farm land.
7. The land is neglected because of personal reasons:
8. Township.
9. Five families cut hay for sale.
10. (a) Two tractors
(b) No tractor ploughs
(c) One drill
(d) 22 mowers
(e) 19 rakes
(f) No power binders; three horse binders
(g) No threshers
(h) No other machinery
11. None
12. The Band owns:

(1) 1 tractor	(6) 10 dray harrows
(2) 1 thresher	(7) 15 sulky ploughs
(3) 1 gang plough	(8) 3 seed drills
(4) 3 furrows	(9) 5 binders
(5) 12 disc harrows	(10) 1 packer
13. There are 40,000 acres of bush.
14. There is about 25,000 acres of first-class range land.
15. Five acres of range is needed for one head of cattle.
16. There is about 1,500 acres of timber suitable for lumber.
17. Ten families have one or more milch cows.
18. None.
19. Ten families raise a quantity of poultry.
20. More power machinery on the reserve would encourage farming.
21. Yes.
22. Ten homes have enough water supply for home and stock.
23. Thirty homes must haul water for drinking purposes. They must haul the water anywhere from $\frac{1}{2}$ a mile to 3 miles.
24. None.

PEIGAN LAKE

Report submitted by Walter Bastion.

1. 42 families make farming their means of living.
2. (a) 70 people live by means of cattle.
(b) 25 people live by day labour.
(c) None.
(d) 30 part time trappers.
(e) None.
(f) 20 part time outside the reserve.
3. There is 4,500 acres of cultivated land.
4. There is one hundred cultivated acres in average farm.
5. What Department will allow.
- 6.

7. Discouraged, transition period from horse to tractor, with low price for crop in past.
8. There is a large acreage available.
9. 25 families cut hay for sale.
10. (a) 3 tractors
(b) 2 tractors ploughs
(c) 11 drills
(d) 40 mowers
(e) 40 rakes
(f) no power binders; no horse binders
(g) no threshers
(h) no other machinery.
11. Very few farms have sufficient equipment to operate.
12. (1) 15 cultivators (4) 2 drills
(2) 7 rod weeders (5) 1 tractor
(3) 3 binders (6) one-way plough and cultivator
13. A little bush along the river.
14. There are 50,000 acres of first-class range land.
15. There are about 20 acres of range land needed for one head of cattle.
16. There are 10 to 12 million on the timber limit suitable for lumber.
17. Five families have one or more milch cows.
18. One family raises hogs for market.
19. 15 families raise a quantity of poultry.
20. Farming would be most encouraged on our reserve if we were allowed sufficient breaking to increase our acreage.
- 21.
22. Very few have enough water for home and stock on the farm, but they have a central pump in one location.
23. The water must be hauled for three miles.
24. There are three or four wells.

MICHAEL'S BAND

Report submitted by J. Roderick Callihoo, Director I.A.A.

1. About 12 or 14 make farming their means of living.
2. (a) Only one raises cattle as a means of living.
(b) Only by means of day labour.
(c) None.
(d) None.
(e) None.
(f) About four or five live outside the reserve.
3. There are about 2,000 acres of cultivated land on the reserve. Somewhere between 2,000 and 2,200 acres of land now under cultivation on the reserve.
4. The average farm has 100 or a little better cultivated acres.
5. Approximately 2,000 acres more of land could be broken, but with the hardest work imaginable and most of the land is used for pasture.
6. There are about 50 acres of neglected farm land.
7. Quack grass got the best of it because he worked in Edmonton in order that his children could go to school. He rented his land to outsiders and it has been neglected.

8. There is very little hay land.
9. None.
10. (a) 5 privately owned tractors
(b) 4 privately owned tractor ploughs
(c) 9 drills (3 power and 6 horse)
(d) 7 mowers
(e) 7 rakes
(f) 2 power binders
10 horse binders
(g) 2 threshers
(h) 3 one-way discs and one cultivator
11. Only two farms have sufficient equipment to operate properly.
12. None.
13. The rest of the reserve that is not under cultivation is muskeg, bush and pasture, and takes power machinery to break.
14. None.
15. It takes from 12 to 15 to pasture one head of cattle.
16. None.
17. Eleven families have one or more milch cows.
18. Five families raise a small quantity of hogs for market.
19. Eleven families raise a small quantity of chickens, mostly for home use, and only two of these raise over 100 chickens.
20. Farming would be encouraged on our reserve if we had a full line of machinery so one would be able to operate a farm properly.
21. Yes, the people are encouraged to own their own machinery.
22. All homes have enough water.
23. None.
24. Every home has a well except three who live by the river and who use river water for drinking purposes and stock.

PIGEON LAKE LOCALS

Report submitted by Mark Yellow Bird, Secretary

1. None.
2. (a) Four families raise cattle but they do not make a living from them.
(b) All families make day labour their means of living.
(c) No one lives off the rent of the land.
(d) Eight families do a little trapping.
(e) All do fishing.
(f) All make a living outside the reserve.
3. There are 2 cultivated acres for gardens.
4. None.
5. Fifty acres of land could be broken every year.
6. Thirty acres neglected farm land.
7. The land has not yet been broken, all clean land.
8. About four hundred acres of hay land.
9. None.
10. (a) No tractors.
(b) No tractor ploughs.

- (c) No drills.
 - (d) Three mowers.
 - (e) Four rakes.
 - (f) No power binders.
No horse binders.
 - (g) No threshers.
 - (h) No other heavy machinery.
11. None.
 12. None.
 13. Four hundred acres of bush.
 14. Three hundred and fifty acres of first class range land.
 15. Six acres for 3 months.
 16. There is very little timber suitable for timber.
 17. Three families have one or more milch cows.
 18. None.
 19. None.
 20. Farming would most be encouraged if we could get loans from band funds.
 21. Yes, the people are encouraged to own their own machinery.
 22. None.
 23. Fifteen homes must haul water for drinking purposes for $\frac{1}{4}$ mile.
 24. None.

ERMINESKIN

1. About 14 families make farming their means of living but almost all of them sell a few head of cattle in the fall.
2. (a) No one makes a living by cattle alone.
(b) There are about 20 families young and old live by day labour.
(c) Nobody rents land to make a living.
(d) A few do some trapping occasionally.
(e) A few do some fishing for a short period only.
(f) About 5 families go to work outside during the summer and come back to the reserve for the winter.
3. There are between 2,800 and 2,900 acres of cultivated land.
4. From 10 acres to over 400 acres per farm.
5. Approximately 2,000 acres or less.
6. About 100 acres of neglected farm land.
7. The land is neglected because some will not try hard enough to work the land.
8. There is a lot of hay land.
9. Seven families cut hay for sale but have no other farm interests.
10.
 - (a) Four tractors.
 - (b) Four tractor ploughs.
 - (c) Seven or 8 drills.
 - (d) Thirty-one mowers.
 - (e) Twenty-five rakes.
 - (f) Three horse binders.
Three power binders.
 - (g) Two threshers.
 - (h) No other heavy machinery.

11. About 10 farms have sufficient machinery to operate.
12. Not much; only two duckfoot cultivators that I know of.
13. There is more than half bush or approximately 14,000 acres.
14. Very little of all, the part that is used for pasture.
15. About 9 or 10 acres.
16. None.
17. Fifteen families have one or more milch cows.
18. Three families raise hogs for market.
19. Fourteen families raise a quantity of poultry.
20. Farming on our reserve would be most encouraged by a new tractor and breaking plough, but it would have to be handled by only one. Also a bush cutter.
21. As far as I know, the people are encouraged to own their own machinery.
22. Sixteen homes have enough water for home and stock.
23. Fifteen families must haul water for drinking purposes over a $\frac{1}{2}$ mile.
24. Sixteen or 17 drilled wells.

KEEHEWIN'S RESERVE

Report submitted by J. F. Dion

1. About 10 make mixed farming on a small scale their living.
2. (a) One lives by means of cattle.
(b) None.
(c) None.
(d) All take part in the trapping season.
(e) Some do part-time fishing, about 10.
(f) Twenty make a living outside the reserve.
3. Five hundred and sixty-four acres of cultivated land including 145 acres in community farm.
4. About 40 cultivated acres in the average farm.
5. At least 5 times more land than is now under cultivation could be broken.
6. There is quite a lot of neglected farm land.
7. Mr. Dressor, one of the first farming instructors on the Keewewin's reserve helped the Indians to break a lot of land. Most of this land was never seeded because the farming instructor became too enthusiastic he had to leave.
8. About one-third of the reserve is good hay land.
9. Not much hay is sold because it is too far to the market.
10. (a) No tractors.
(b) No tractor ploughs.
(c) No drills.
(d) Six mowers.
(e) Four power binders.
Four horse binders.
(f) Four rakes.
(g) No threshers.
(h) No other heavy machinery.
11. None.

12. (1) 4 binders (7) 2 horse rakes
 (2) 4 drills (9) 1 tractor
 (3) 2 harrows (10) 1 threshing machine
 (4) 3 disk harrows (11) 3 bottom ploughs
 (5) 4 ploughs braking and (12) disc and cultivator
 sulky (13) bush breaker.
 (6) 1 plough gang
13. About one-third of the reserve is bush, mostly small poplar.
14. At least one-half of the reserve is first class range land, this reserve is good for stock.
15. About 4 acres of land is needed for one head of cattle.
16. Plenty of poplar but very little spruce.
17. 17 families have one or more milch cows.
18. None.
19. One family raises poultry.
20. Teach the boys to fend for themselves, give them responsibility.
21. No, they should have a tractor or two of their own.
22. 6 have enough water supply for home and stock.
23. All but one family must haul water, from 100 yards to one-half mile.
24. There are 4 shallow wells.

LOUIS BULL

Reported submitted by John Rabbitt.

1. None all the year around.
2. Other means:
 - (a) cattle—5
 - (b) day labour—all
 - (c) rent of land—none
 - (d) trapping—all
 - (e) fishing—all
 - (f) outside reserve—all.
3. 460 acres cultivated land.
4. 30 acres cultivated land in average farm.
5. 150 acres of land that could be broken.
6. 295 acres of neglected farm land.
7. Weeds and lack of machinery.
8. 400 acres hay land.
9. 6 families cut hay but have no other farm interests.
10. Privately owned machinery:
 - (a) tractors—none
 - (b) tractor ploughs—none
 - (c) drills—none
 - (d) mowers—eleven
 - (e) rakes—seven
 - (f) power binders—none; horse binders—four.
 - (g) threshers—none
 - (h) other heavy machinery—none.
11. No farms have sufficient machinery to operate.
12. Band-owned machinery:
 - 1 disc, 2 spring harrows, 1 plough, 1 cultivator, 2 seeders.

- 13.
14. 2,170 acres first class range land.
15. 6 acres of range required for each animal.
16. Eight to ten thousand logs suitable for lumber.
17. 11 families own one or more milch cows.
18. No families raise hogs for market.
19. 7 families raise some poultry.
20. More implements are required to encourage farming.
21. Yes, the people are encouraged to own their own machinery.
22. One family has water enough for home and stock.
23. All but one family must haul water, from 100 yards to one-half mile.
24. 7 wells with not enough water (one drilled 11. band well).

WINTERBURN

1. 16 families make a living of farming.
2. Other means:
 - (a) cattle—eleven
 - (b) day labour—one
 - (c) rent of land—none
 - (d) trapping—none
 - (e) fishing—for short periods only
 - (f) outside reserve—2 families.
3. 1,800 acres of cultivated land.
- 4.
5. 1,760 acres of land that could be broken.
6. 374 acres of neglected farm land.
7. Lack of power and weeds.
8. 640 acres hay land.
9. None.
10. Privately owned:
 - (a) tractors—none
 - (b) tractor ploughs—none.
 - (c) drills—none
 - (d) mowers—none
 - (e) rakes—none
 - (f) power binders—none; horse binders—none
 - (g) threshers—none
 - (h) other heavy machinery—none.
- 11.
12. The band owns all machinery.
13. 6,000 acres bush.
14. 1,920 acres range land.
15. 8 acres required for each animal.
16. Very little lumber.
17. Eleven families have one or more milch cows.
18. No family raises hogs for market.
19. Small amount of poultry raised.
20. More power machinery is required to encourage farming.

21. Yes, the people are encouraged to own their own machinery where possible.
22. 4 families have enough water for home and stock.
- 23.
- 24.

DRIFTPILE

Reported submitted by J. B. Giroux.

1. 24 families make a living of farming.
2. Other means:
 - (a) cattle—none
 - (b) day labour—all but four
 - (c) rent of land—none
 - (d) trapping—all but four
 - (e) fishing—none
 - (f) outside reserve—four.
3. 958 acres cultivated land.
4. 40 acres cultivated land in average farm.
- 5.
- 6.
7. The people are unable to afford the necessary labour and equipment to develop the land.
- 8.
9. None
10. Privately owned:
 - (a) tractors—one
 - (b) tractor ploughs—none.
 - (c) drills—none
 - (d) mowers—ten
 - (e) rakes—three
 - (f) power binders—none; horse binders—two.
 - (g) threshers—none.
 - (h) other heavy machinery—eight gang ploughs.
11. None.
- 12.
13. Two-thirds of reserve is bush land.
14. There is no first class range land.
15. Fifteen acres of range are required for each animal.
16. Lumber is plentiful.
17. Fourteen families have one or more milch cows.
18. Two families raise hogs for market.
19. Seven families raise some poultry.
20. More machinery (and no permits) would encourage farming.
21. Yes, the people are encouraged to own their own machinery.
22. Five families have enough water for home and stock.
23. Forty-one homes must haul water from 500 yards to $2\frac{1}{2}$ miles.
24. Twelve families have wells.

PAULS BAND

1. All families do some farming.
2. Other means:
 - (a) cattle—all
 - (b) day labour—all
 - (c) rent of land—none
 - (d) trapping—all
 - (e) fishing—all
 - (f) outside reserve—all.
3. Five hundred and fifty acres cultivated land.
4. Twenty acres cultivated land in average farm.
5. One thousand acres of land that could be broken.
6. Two hundred acres of neglected farm land.
7. Lack of power for development.
8. One hundred and eighty acres of hay land.
9. None.
10. Privately owned machinery:
 - (a) tractors—none
 - (b) tractor ploughs—none
 - (c) drills—none
 - (d) mowers—none
 - (e) rakes—none
 - (f) power binders—none; horse binders—none
 - (g) threshers—none
 - (h) other heavy machinery—none.
11. No farm has sufficient machinery.
12. All machinery is band-owned.
13. Three-quarters of the reserve is bush land.
14. There is no first class range land.
15. Five acres of range is required for each animal.
16. Some timber—unable to determine exact amount.
17. None.
18. None.
19. None.
20. The assistance and encouragement of the Indian Agent would encourage farming.
21. No, the people are not encouraged to own their own machinery.
22. No family has sufficient water for home and stock.
23. Twenty-five families must haul water $\frac{1}{2}$ -mile.
24. Ten wells in use.

ALEXIS

1. None as we have no equipment.
2. Other means:
 - (a) cattle—none
 - (b) day labour—all do over a period of time
 - (c) rent of land—none
 - (d) trapping—all
 - (e) fishing—all
 - (f) outside reserve—none.

3. One hundred and twelve acres of cultivated land.
4. Joe Alexis, 20 acres; Joe Potts, 7 acres; Pete Alexis, 16 acres; L. Agnes, 13 acres; Jack Alexis, 25 acres; Paul Kootenay, 12 acres; M. Cardinale, 4 acres; Miacheal Mostlose, 7 acres; Alexis Wishew, 5 acres; Antony Potts, 4 acres; Henry Kootenay, 3 acres.
5. We have cleared 100 acres of land but all has gone back into bush.
6. There are about 250 acres of neglected farm land.
7. The land is neglected because of poverty.
8. There are about 238 acres of hay land.
9. We all sell a bit of hay when times are hard.
10. There is no privately owned machinery.
11. No farm has sufficient equipment to operate.
12. Band owned machinery consists of:
Binders, 1; Drills, 1; Disc, 1; Mowers, 1; Rakes, 1; Wagons, 2; Ploughs, 1; Farrow, 1; Garden cultivator, 1.
13. Approximately one-fifth of the reserve is bush.
14. Approximately one thirty-sixth of the reserve is first class range land.
15. About four acres of range land is needed for one head of cattle.
16. About 1,000,000 feet of timber is suitable for lumber.
17. Five families have one or more milch cows.
18. No one raises hogs for market.
19. No one raises a quantity of poultry.
20. Farming on the reserve would be most encouraged by clearing the land and having enough equipment and good seed to use the land to advantage.
21. Yes, the people are encouraged to own their own machinery.
22. About one-third of the families on the reserve have enough water for home and stock.
23. No one has to haul water.
24. There are no wells.

STONEY RESERVE

Report Submitted by Ed. Hunter, Director I.A.A.

1. No one makes farming their means of living.
2. (a) About half the people live on cattle.
(b) About half the people live from trapping.
(c) All the proceeds from the Hydro Plant at Ghost Dam, Horse Shoe and Seebe go to the Band Fund.
3. There are about 640 acres of green feed only. Each person uses about five to fifteen acres including gardens.
4. There are no real farms—from five to fifteen acres.
5. There is no land that can be broken.
6. There is no neglected farm land.
- 7.
8. There is about six sections of hay land.
9. Most people on the reserve do sell about three loads of hay.
10. Privately owned machinery consists of:
Tractors, none; Ploughs, none; Drills, 10; Mowers, 40 to 50; Rakes, 40 to 50; Power binders, none; Horse binders, none; Threshers, none; Other machinery, none.

11. None, as there are no farms.
12. The Band owns one binder.
13. The whole area of reserve is bush or inavailable land.
14. These open spaces are mostly inferior range land.
15. About 50 to 60 acres needed for one head of cattle.
16. This reserve has been logged very carefully, there is only second growth now.
17. None.
18. None.
19. None.
20. The present reserve is hopeless for any farming; very limited grazing possible.
- 21.
22. In summer time there is enough water for both home and stock, but in the winter the situation is very bad. Four or five community wells are needed immediately.
23. In the summer water is not hard to get, but in the winter it is impossible to get pure water. Four or five wells are needed immediately.
24. None, a few dry wells or seasonal wells. Have to depend on springs, river, and melted snow.

Reserve 162 Red River
 163 Fort Vermilion
 173 Tall Cree
 173A Tall Cree Prairie

1. No one makes farming their means of living.
2. Some families live by means of cattle, trapping, fishing, and activities outside the reserve.
3. There are only a few gardens.
4. None.
5. There are about 300 acres of land that could be broken.
6. There is no farming.
7. The land is neglected because all live from trapping.
8. There are about 800 acres of hay land.
9. None.
10. Privately owned machinery: tractors, none; tractor ploughs, 3 horse ploughs; drills, none; mowers, three; rakes, three; power binders, none; horse binders, none; threshers, none; other heavy machinery, none.
11. None.
12. None.
13. About two-thirds of the Tall Cree Indian Reserve is bush.
14. There is about 200 acres of first-class range land.
15. About 15 acres of range land is needed for one head of cattle.
16. There is about 500,000 ft. of timber suitable for lumber.
17. One family has a milch cow.
18. None.
19. None.
20. Special training would most encourage farming on our reserve.
21. No; the people are not encouraged to own their own machinery to any great extent.

22. All use water from the river or the lakes.
- 23.
24. None.

ALEXANDERS LOCAL

1. No one makes farming their means of living.
2. Families living by some other means are: cattle, none; day labour, 26 families; rent of land, none; trapping, side line; fishing, side line; outside reserve, none.
3. There are 724 acres of cultivated land.
4. There are 34 acres in the average farm.
5. 1,000 acres of land could be broken.
6. There are 212 acres of neglected farm land.
7. The land is neglected because not enough encouragement is given to the farmer.
8. There are about 1,000 acres of hay land.
9. About 14 families sell hay but have no other farm interests.
10. Privately owned machinery consists of: tractors, 1; tractor ploughs, none; drills, none; mowers, 3; rakes, none; power binder, none; horse binder, none; threshers, 1; other heavy machinery, none.
11. No farm has sufficient equipment to operate.
- 12.
13. There is a lot of bush.
14. There is about 3,000 acres of first class range land.
15. Ten acres of range is needed for one head of cattle.
16. There is no timber suitable for lumber.
17. Four families have one or more milch cows.
18. One family raises hogs for market.
19. Five families raise a quantity of poultry.
- 20.
21. Yes, the people on the reserve are urged to own their own machinery.
22. Nineteen homes have enough water supply for home and stock.
23. Fifteen families must haul water for drinking purposes 200 yards to a half mile.
24. There are 23 wells.

FROG LAKE

1. Two families make farming their means of living.
2. Families living by other means: cattle, 6; day labour, all; rent of land, none; trapping, all; fishing, all; outside reserve, all.
3. There are 245 acres of cultivated land.
4. Ten cultivated acres to average farm.
5. There is a lot of land that could be broken.
6. Two hundred acres of neglected farm land.
7. The land is neglected because there is nothing to use.
8. There is a lot of hay land.
9. All cut hay for sale and have no other farm interests.

10. Privately owned machinery: tractors, none; tractor ploughs, none; drills, none; mowers, 6; rakes, 5; power binders, none; horse binders, 1; threshers, none; other heavy machinery, none.
11. One farm has sufficient equipment to operate.
12. There are 7 pieces of Band owned machinery.
- 13.
- 14.
- 15.
16. There is a lot of timber suitable for lumber.
17. Eight families have one or more milch cows.
18. No one raises hogs for market.
19. No one raises a quantity of poultry.
20. Farming on our reserve would be encouraged by everything.
- 21.
22. Four homes have enough water supply for home and stock.
23. All families haul water for a distance of 2 miles.
24. There are six wells.

SAMPSON'S

1. There are about 70 families that make farming their means of living.
2. Most of the families live by other means.
3. There are 3,355 acres of cultivated land.
4. There are 150 acres in average section.
5. There is about 14,000 acres of land that could be broken.
6. About 1,000 acres of neglected land.
7. This land is neglected because of the lack of equipment.
8. There is about 2,500 acres of hay land.
9. There are 30 families that cut hay for sale but have no other farm interests.
10. Privately owned machinery: tractors, 4; tractor ploughs, 6; drills, 14; mowers, 37; rakes, 34; power binder, 1; horse binder, 28; threshers, 4; tillers, 1; cultivator, 1.
11. There is only one farm that has sufficient equipment to operate.
12. There are two band owned cultivators (duck foot). There are two band owned spring tooth harrows.
13. There is about 7,000 acres of bush.
14. There are about 10,240 acres of range land that is first class.
15. About 3 acres of range is needed for one head of cattle.
16. There is roughly 200,000 feet of lumber on hand.
17. About 30 families have one or more milch cows.
18. There are 3 families that raise hogs for market.
19. There are 17 families that raise a quantity of poultry.
20. POWER MACHINERY would most encourage farming on Samson's Reserve.
21. No. All machinery is obtained through Band Funds by request.
22. There are 30 families that have enough water supply for home and stock.
23. Most of the families in the Reserve must haul water for drinking purposes. Water must be hauled from 1 to 3 miles.
24. There are twelve wells.

RESERVE No. 148 BLOOD

Report submitted by Phillip Soosay, Director

Witness: John Louis

Most farming is at south end of this reserve as the major portion is grazing land. Therefore, grazing is a major industry here.

Farmers	No. of acres	Farmers	No. of acres
E. S. Face.....	295	W. Wadsworth (Govt. operated).	134
Dave Healy	110	M. Groys (Govt. operated)....	160
Harry Mills	180	Geo. L. T. Squirril (Govt.	
H. B. Throat (Govt. operated)..	180	operated)	45
Steve Oka (Govt. operated)....	170	Night Gunn (Govt. operated)..	122
Mrs. B. Rabbit (Govt. operated).	170	Jas. Gladstone & Sons.....	540
Joe Devine (Govt. operated)....	234	Chas. First Rider.....	98
H. T. Feathers.....	151	Panther Bone	96
F. T. Feathers.....	220	James Twigg	
H. Standingalone	160	Francis Red Crow.....	172
Cross Child (Govt. operated)...	115	Frank Red Crow.....	445
Walter Singer (idle past 2 years)	230	Steve Fox	73
D. Weasel Fatt.....	45	Mrs. T. Eagle Child.....	163
H. T. Feathers.....	220	F. Weasel Fatt.....	172
M. Old Shoes (idle 2 years)...	160	W. Quills	175
Geo. Fox	130	Dick Soup & Sons.....	404
Jas. Wells (Govt. operated)....	149	H. Shade	83
Benny Plume (Govt. operated).	91	Chris Shade & Sons.....	308
J. Ironhorn (Govt. operated)....	75	T. T. Persons.....	340
J. Manyfeathers (Govt. operated)	71	Big Boy	52
E. Brave Rock (Govt. operated)	100	G. Bird	92

SUMMER FALLOW FARM 4, 1946

Mike E. Bear.....	34	Steve Fox, Jr.	26
Jack E. Bear.....	44	F. G. Striker.....	31
John Pace.....	42	R. G. Striker.....	42
Joe E. Rib.....	42	Eagle Speaker	68
Crow S. Wings.....	43	Fred W. Fat.....	15
Rider	26	Fred W. Fat, Jr.	56
Jim Red Crow.....	24	B. Tallman	30
Louis Knife.....	37	Ed Little Shield.....	18
Frank Eli	26	Chas. B. Shield.....	48
Iron Shirt	25	Harold S. White.....	108
Tom Med Crane.....	17	D. C. Moon	192
Brown	20	Frank Cotton	22
A. S. Grass.....	85	Peter M. Bears.....	23
Round Nose.....	41	Steve B. Head.....	40
M. E. T. Feathers.....	70	Alfred Blood	132
Howard Beebe.....	77	F. F. Charger.....	64
Ed. Little Bear.....	32	Stripped Wolf	82
M. P. Hon.....	52	Joe B. Shield.....	102
Day Rider	34	B. B. Water.....	42
Joe Heavy Head.....	52	Cecil Fallow	198
John Cotton	80	Curley Rider	50
Dan W. Fat.....	33	Percey Creighton.....	113
Jack Hind Bull.....	81	Pat W. Head.....	36
Mellow Bull	9	H. Hindman	74
Big Nose	39	B. S. Wolf	38
Bob S. Horse.....	62	Yellow Feet	50
Jim S. B. Sides.....	88	Leo Wolf Child.....	33
Henry C. Last.....	137	Bad Man (H. C. Last)	20
E. Harry Bull.....	35	Sam R. Crow.....	20
Alex Fox	52		

SPECIAL JOINT COMMITTEE

BREAKING

Frank Eli	20	F. First Charger	18
S. W. Child	7	John M. Chiefs	16
Ed. Little Shield.....	16	Peter B. Head	16
Frank S. Horse.....	8	Fred W. Fat.	

RESERVE No. 125 SADDLE LAKE

Farming is as badly off as housing on this reserve. At least 80 per cent of the farmers and those willing to farm need horses, harness and farming equipment in order to work the land for themselves. So let the Government give us the necessary power to work the land and we will gladly do it.

RESERVE No. 148, BLOOD

1. 50 to 60 farmers make farming their means of living.
2. (a) 60 live by means of cattle.
(b) Day labour when seasonal farming.
(c) 35 live off the rent of land.
(d) Trapping when in season.
(e)
(f) 200 live outside the reserve, doing seasonal work.
3. As listed in submitted list.
4. As listed in submitted list.
5. Land is not encouraged to be broken at present.
6. Approximately a third of the list is neglected.
7. The land is neglected because of the lack of implements, equipment and seed.
8. Any amount of hay land according to season.
9. 100 families cut hay for sale, but have no other farm interests.
10. Privately owned machinery consists of:
 - (a) 10 tractors
 - (b) 10 tractor ploughs
 - (c) 20 drills
 - (d) 60 mowers, not in good repair
 - (e) 60 rakes, not in good repair
 - (f) 4 power binders
 - (g) 1 thresher
 - (h) 1 combine.
11. Seven farms have sufficient equipment to operate.
12. There is very little band-owned machinery, only cultivators and rod weeders.
13. The only bush is cottonwood and willow along the river.
14. 75 per cent of the range land is first-class.
15. 25 acres of land is needed for one head of cattle.
16. There is not much timber suitable for lumber. There is enough of it but most of it is young timber.
17. 20 families have one or more milch cows.
18. Three or four families raise hogs for market.
19. 20 to 25 families raise a large quantity of hogs for market.
20. Farming on our reserve would most be encouraged by assistance and equipment.

- 21.
22. The ones that live along the river are the only ones that have enough water for home and stock.
23. 75 per cent of the people must haul water for drinking purposes from one to six miles.
24. There are six wells.

The above is as near as can be ascertained.

FOR RESERVE NO. 125, SADDLE LAKE

1. Two families make farming their means of living.
2. (a) None.
(b) All.
(c) Pastures.
(d) All.
(e) 5 per cent.
(f) A few work outside the reserve.
3. 3,240 acres of cultivated land.
4. Out of 60 farmers' land the average cultivated land was 54 acres.
5. 4,000 acres could be broken.
6. 13,570 acres are under wood.
7. The land is neglected because there are no implements of power to work with.
8. There are about two sections of hay land.
9. 90 to 95 per cent make their living by selling hay.
10. Privately owned machinery consists of:

(a) 5 tractors	(e) 30 rakes
(b) 4 tractor ploughs	(f) no power binders
(c) 2 drills	15 horse binders
(d) 60 mowers	(g) 1 threshing machine
	(h) none.
11. Two families have sufficient equipment to operate.
12. Band-owned machinery:

(a) 1 tractor	(c) 1 saw mill
(b) 1 threshing machine	(d) 1 shingle mill.
13. There are about 13,570 acres of bush.
14. About half the reserve is good for range land. We could have a lot of cattle.
15. 4 to 6 acres is required for one head of cattle.
16. There is not much timber suitable for lumber, only white and black popular, and in limited quantity.
17. 12 to 14 families have one or more milch cows.
18. One family raises hogs for market.
19. 30 families raise a quantity of poultry.
20. Lots of farm machinery and other farm implements would encourage farming.
21. No.
22. None.
23. The number and distance vary.
- 24.

AGRICULTURE

RESERVE No. 128 GOODFISH LAKE (PAKAN'S)

Many of the people are willing to attempt farming as a means of livelihood. Those willing to farm lack every form of equipment necessary, horses, harness, farm machinery. A tractor is badly needed at the moment.

The Indian Association of Alberta submits that further delay in recognizing the needs of the Indian people of this province will aggravate a social problem that already exists and that further insistence upon treating the Indians as incapable will result only in disaster for the Indian himself and for the people of the province as well. A policy of allowing bad to grow worse cannot, from common sense point of view, be allowed to continue.

In testifying before the Joint Committee of the Senate and the House of Commons, Mr. Hoey suggested an appropriation of 14 million for this year. The estimate shows that his suggestions were disregarded. This penny-pinching policy with regard to Indians is completely ridiculous. No one can make bricks without straw.

APPENDIX 2

HEALTH

The members of this Association express their appreciation of the work being done at the Charles Camsell Indian Hospital at Edmonton. Especially commended is the work being done by Dr. E. L. Stone, whose interest in and sympathy with the Indian people is evident from his efforts. Few men have, to our knowledge, been so sincerely devoted to the service of the Indian people. No less we are grateful to Dr. Meltzer, the Matron and the Staff of the hospital.

We regret that Dr. Stone's work has been handicapped by inadequate finances; we regret too the years of neglect, or half hearted attempts by rather disinterested medical officers, which have left their mark. We feel hopeful that, given proper financial support and genuine co-operation through the Department of National Health and Welfare, Dr. Stone will remedy the unhappy results of former years.

Given proper financial assistance and full co-operation, in ten years we feel certain that tuberculosis should be practically non-existent among the Indian people of Alberta.

We acknowledge also with gratitude the help given by the Alberta Tuberculosis Association whose mobile X-ray units have made possible X-ray surveys on so many reserves in Alberta.

But the work is still a vital necessity and we trust that the Department of National Health and Welfare will redouble its efforts to cope with the situation as it exists.

Tuberculosis can be checked at its source, the reserve, if a serious attempt is made to remove the conditions which foster the spread of the disease. Overcrowded houses, malnutrition, lack of local facilities for sanitation, all these and many other conditions dealt with here and in the Appendix on Housing, will nullify much of the progress unless both the Department of Mines and Resource and the Department of National Health and Welfare take the matter of health more seriously than they have in the past.

We strongly urge that these conditions be remedied and along with the splendid curative work being done, the disgraceful death rate from tuberculosis among the Indian people will be altered.

1. Death rate per 100,000	Year	Indian	White
	1945	840	18·6
2. Live births	1943	907	19290
	1944	920	19372
3. Deaths under 1 year	1943	142	810
	1944	146	889
4. Infant death rate	1944	159	46

The Indian Death Rate from Tuberculosis is 45 times that of whites.

The Indian Death Rate is 3·45 times that of white persons.

Chief Causes of Infant Indian Deaths

Whooping Cough	20
Influenza	16
Bronchopneumonia	20
Pneumonia	21
Diseases of Stomach	18
Congenital Debility	14
Tuberculosis	8

Indian Death Rate from Cancer approximately 3 times that of white.

The foregoing information was obtained by the courtesy of the Vital Statistics Branch, Province of Alberta and Dr. Somerville, Director of Communicable Diseases.

In view of these figures, the Association recognizes the difficulty and the enormity of the problem, especially with the very inadequate facilities for preventive medicine so far available to Treaty Indians of the province.

Moreover, in view of these figures, this Association urges that every effort be directed to remedial measures at once. We urge that, in the interest of the Treaty Indian people, The Department of National Health and Welfare, Indian Health Branch, secure sufficient competent staff at adequate salaries to combat these death rates on the reserve. The home is the only place to start a campaign of preventive medicine. The health staff on the various reserves should be increased, if necessary, to enable the doctors or nurses to make regular visits to the homes of the Indians until such times as the Treaty Indian people are enabled to live under conditions which would render such visits unnecessary.

RATIONS

The Ration System as well as the ration supplied to the Indian has proved very unsatisfactory. In addition to being inadequate, the rations are not appetizing or nutritious. Content of the following ration list will show an astonishing lack of vitamin content, and while such a list may be devised for convenience in administration of the system, the members of this Association urge that the list be expanded to provide more appetizing and wholesome food with a greater caloric value. An increase in quantity would increase the health of the Indians and make them less susceptible to disease. It has been proved on more than one occasion that a person enjoying good health learns more and earns faster than one who has poor health. A healthy body builds a healthy mind—an important fact which is too often forgotten.

A strong objection may be registered to the frequent use of elk meat, and other wild meat, instead of beef or bacon. This is too often cold storage meat, and wild meat in cold storage is much less nourishing and far less appetizing than beef under the same conditions.

Better storage facilities on the reserve are urgently needed for rations. Many ration houses are so badly kept that they are not fit for storage of food. They should be made mouse-proof, since contaminated supplies are most unpalatable.

Malnutrition is so prevalent that it has a direct bearing upon the high infant mortality rate among the Treaty Indians. The survey reported in the Canadian Medical Journal of March, 1946, and reported to the Joint Committee of the Senate and the House of Commons by the Hon. Brooke Claxton, in No. 3 of the Minutes of Proceedings and Evidence as Appendix F, should show substantially the need of the Indian people and the effects of malnutrition. This Association respectfully draws attention to the findings of this survey, especially numbers 5, 6 and 7.

We maintain that similar conclusions would follow a similar study in this province.

We also approve that statements contained in the Joint Submission by the Canadian Welfare Council and the Canadian Association of Social Workers with regard to tuberculosis mortality, infant death rate and malnutrition.

SCALE OF MONTHLY RATIONS FOR INDIANS ON RELIEF

<i>Food</i>	<i>Number of lbs.</i>	<i>Calories</i>
Flour	24	38,300
Rolled Oats	6	10,932
Sugar	2	3,610
Lard	3	12,240
Beans (Dry Navy)	5	7,440
Rice (White)	2	3,176
Cheese Cheddar	1	1,783
Meat Component at 20¢ a lb or....	5	5,568
Meat Component at 10¢ a lb	10	11,136
Total maximum calories for one month		88,617

Recommended daily allowance for moderately active man, 3,000 calories.

Meat component calculated as $\frac{2}{5}$ Beef, $\frac{2}{5}$ Fish, $\frac{1}{5}$ Salt Pork. No food value in Baking Powder, Tea, Salt.

HOUSING

We have outlined in the Appendix on "Housing" the condition of housing on the reserves in Alberta. This information was supplied by our members on those reserves. But the connection between adequate housing and health is so close that some facts must be reviewed here.

Most of the Indian dwellings are in a poor state of repair and the people are not able yet to do any amount of repairing, remodelling or rebuilding. Most dwellings are only one-roomed buildings, and poorly finished inside and out. All the log houses are chinked with mud and moss; they are draughty, damp and cold in winter. The windows are usually too small and too few to let in proper light or air. Most of the houses are without proper foundations, proper chimneys, or ceilings, and have only a thin single floor. With such deficiencies these are breeding places for germs, including tuberculosis.

The Joint Submissions of the Canadian Welfare Council and the Canadian Association of Social Workers states: "Housing of Indians, in terms of the extent of dilapidation, sanitary arrangements, housing equipment, living accessories and overcrowding, not only appears to be less adequate than that of our Canadian population generally, but in many instances very appreciably worse than that of adjacent white communities. Our Indian people, insofar as they live in settled communities, are a race of slum dwellers."

With that statement, this Association agrees implicitly.

We believe that conditions in the old days, when the tepee was used, the standard of housing from a health viewpoint was superior.

Persons of all ages and sexes, crowded into a single room, is not conducive to physical, mental or moral health.

The members of the Association recommend that the housing situation be investigated very thoroughly, and that immediate steps taken to help the Indian build homes that are more modern and sanitary. The cost of such a program will be very great, but after more than 70 years of neglect such conditions can only be expected.

WATER SUPPLY

Pure water is essential to health. Where conditions are such that digging wells is impracticable, white men are able to drill wells; Indians, under similar circumstances, asking for drilled community wells, are told to dig their own. In such cases this is impossible because of rock formations, or distance to water levels, and the Indian community must continue to use creek water, or to melt snow in winter. In either case, they must share springs or creeks with stock.

In such places, infant mortality is high; stomach disorders are prevalent. Only a strong tenacity to life keeps others alive.

The members of this Association submit the following instances:

(a) *Stoney Reserve, Morley.*

In one section of this reserve known as Chiniki Village, there is a centre of population which has to rely upon a slow-running creek in summer, and augment this with melted snow in winter. Cattle, horses and homes must share this supply. There is a layer of rock close to the surface which makes digging wells impossible. Such wells are either dry or too prone to dry up after a season or two. One must remember that the entire eastern watershed of the Rockies is becoming drier each year. Springs, accordingly, have filled and creeks become almost stagnant pools in summer.

This has been brought to the attention of the Superintendent of Reserves and Trusts on two occasions; the officials of the reserve know it well. More than a year has passed since drilled wells were requested. No wells have been drilled.

(b) *Sarcee Reserve, Calgary.*

Too many residents are compelled to use creek water which they share with the stock; others must rely on run-off water or semi-stagnant surface water. Infant and child mortality is high and many adults suffer from stomach disorders and forms of diarrhoea are prevalent.

Most of the Indians live on a range of hills between Fish Creek and the Elbow River. Springs are drying up or have long since disappeared. Digging wells is almost impossible because of the great depth required, and because of the layers of rock not far beneath the surface of the soil.

Again, the authorities have been informed, without results.

The members of the Association believe that sufficient data has been compiled by oil companies in drilling test holes on both the Sarcee and the Stoney Reserves, so that water levels must be readily ascertainable.

(c) *Peigan Reserve, Brocket.*

This reserve is in one of the driest areas of the province. Many of the Indians must haul water, at all seasons, for domestic use and for their work horses. A community well has been drilled on this reserve very recently. We urge that others be drilled without delay.

(d) *Alexander Reserve, Rivière Qui Barre.*

Many Indians accustomed to rely upon a creek for water find this creek contaminated from a hog farm kept by a white man adjacent to the reserve.

The Association recommends that, in the interests of health and in the interest of human life, community wells be drilled on the various reserves at once so that these unfortunate conditions be remedied before another year is out. It further recommends that, where oil companies have not sufficient data, the services of a competent geologist be obtained and tests be made to determine water levels. Then an active and economical drilling program may be undertaken as part of the necessary rehabilitation program.

RECOMMENDATIONS FOR IMPROVED HEALTH SERVICE

1. *Sarcee Reserve, Calgary.*

The medical service and hospital service at Sarcee are deplorable. It is recommended that the present building, now closed, which was first a residential school and later a hospital, be torn down at once. It is an old frame building, draughty, greatly out of date for any purpose, uneconomic to operate and impossible to heat properly in the sub-zero temperatures of an Alberta winter. What lumber may be salvaged may be used in part to build a new day school closer to the center of population on that reserve. This would utilize whatever material is of value.

It is recommended that a cottage hospital be established on this reserve and that such be properly equipped to handle emergency cases, and maternity cases. It should be staffed to render the best possible service.

Dr. T. F. Murray, now retired, has done great work for the Indians on this reserve, especially with trachoma. It would be a great shame now to let his work be neglected. The Indians are "hospital minded" here—another tribute to Dr. Murray.

While Sarcee is close to Calgary, the roads are often impassable for motor vehicles, so that ambulance and medical service is handicapped. Moreover, the hospital situation in Calgary is inadequate containing insufficient beds for the citizens of that city, apart from Indians from Sarcee who need hospitalization. This situation is not likely to improve soon. Thus, a small cottage hospital on the reserve is the practical solution.

It is further urged that a convalescent ward be established for those Indians who have been discharged from the tuberculosis wards of the Charles Camrose Indian Hospital at Edmonton and who are not yet well enough to take up their former active lives. It would greatly improve their morale, and hasten their complete recovery if they were among their own people during this period.

2. *Hobbema Agency, Hobbema.*

This Agency with its four reserves is worse off than Sarcee as far as medical treatment goes. It has a permanent population of from 1,200 to 1,300 people and a floating population of some 300 more. It now has a visiting doctor who spends half a day each week on the reserve, a nursing station, but no hospital.

Hospital cases from this reserve have to rely upon the Charles Camsell Hospital, some 55 miles from the nearest Indian home, or try to get into the Vetaskiwin Municipal Hospital where accommodation is by no means certain.

No sick person should be compelled to travel 15 to 20 miles in a wagon in the hope that the doctor will have time enough on his weekly visit to see them. Those whom the doctor cannot see, no matter how ill they are, must wait for another week or try to have an emergency call placed.

This matter has been brought to the attention of the Indian Affairs Branch in the Second Memorial of this Association, 1945. Now that the war is over, medical practitioners, nurses, building supplies and hospital equipment are all easier to obtain.

It is also urged and recommended, that a modern hospital be built, and fully staffed and equipped with a full-time resident doctor who will also be in charge of the health of the Indians of this Agency who live at Ma Mo O beach or Pigeon Lake.

One is appalled at the consequences of an epidemic under present conditions: influenza, meningitis, infantile paralysis, all are possible epidemic diseases. The Indians would suffer a terrible disaster should any of these develop.

AMBULANCE SERVICE

The roads upon the reserves are in a very poor state; most are passable only in dry weather in summer. It is only with great difficulty that an ambulance or doctor can come to a patient; in fact, on all Reserves, there are no roads whatever other than trails for horses and wagons.

At the end of the war, the Canadian Government found that it had thousands of jeeps on its hands, and thousands more were declared surplus by the U.S. Army.

We now see similar jeeps and trucks being offered for private sale. When the Canadian Government had so many vehicles as surplus, The Indian Affairs Branch, Health Service, or later the Department of National Health and Welfare could have obtained many jeeps fitted for ambulance service—as they were used overseas. In this manner, an ambulance would be available on each Reserve at all times to bring patients to a hospital. Indians, like other people, can get sick at any time of the year. They cannot wait for good weather or passable roads. Sicknes has an uncanny way of striking at the most unfortunate times.

The Association urges that this matter be seriously considered. Many lives must have been lost despite the best efforts of the doctors and other officials who were unable to bring aid to the sick; many lives must have been lost through accidents and emergency cases because no aid could be brought in time.

We believe that jeeps could be brought at a small cost to equip the reserves with emergency ambulances so that nurses, doctors, and others may reach the sick in time to save lives.

INDIAN NURSES, HOSPITAL AIDES, FIRST AID

All recognize the importance of first aid. In increasing numbers, industrial concerns, transportation companies, and retail establishments insist that members of their staff qualify for first aid certificates. Equally, such training proves valuable on the farm, in the home or on the trail. A good first aid man or woman can often save a life which would simply be lost by waiting until a doctor or nurse could arrive.

We have in mind such reserves as Sucker Creek, Goodfish Lake, Keheewin, Alexis, Alexander and others. All these are and unfortunately are likely to be a long way from a nursing station or any medical service. Some of these are almost inaccessible and all of them have very poor trails within the reserve

itself. Accidents are inevitable; emergencies are bound to occur; therefore, a First Aid Service should be established.

Inasmuch as the St. John Ambulance gives instruction in every centre of size, arrangements could be made to encourage promising young Indians to take these courses and to qualify.

We strongly recommend that Indians be given the opportunity to qualify so that every reserve may have at least one resident qualified to administer first aid. The cost in money would be low, but the saving in human life might be immeasurable.

We understand that certain courses of instruction leading to effective home nursing training are being offered to ex-service women, and to others. These should be provided for young Indian women so that they might qualify as Nurses' Aides. We have observed that many qualified nurses do not stay very long in the Indian Health Service and we know that many of those that have been very faithful and have been seriously overworked. It is urged that such training be provided for Indian Girls at the expense of the Department of National Health and Welfare.

There remains the problem of Indian Nurses. It is submitted that a nurse who is of the same stock and language as the patient will have greater influence with patients than any white nurse can possibly have. There are serious obstacles in the way of proper preparatory training to qualify them to enter a Nurses' Training School. The difficulty of employing Indian Girls in Departmental Hospitals in this province is that the graduates from the residential schools are not old enough to work safely in the Hospitals; nor are they educated well enough to get beyond the kitchen maid status.

It is urged that a system be established to enable Indian girls to qualify as Hospitals Aides or as candidates for nurses training schools. With this in view, we venture to suggest the following:—

- (a) In either Calgary or Edmonton, the Department of National Health and Welfare, in co-operation with the Indian Affairs Branch should set up a hostel or residence under proper and suitable supervision. The hostel should be operated in a home-like atmosphere with as little regimen as possible. It should be large enough to allow each girl to have some privacy and to provide reasonable facilities for social life and recreation.
- (b) Intelligent girls who are willing to become nurses should be recruited from the residential schools and day schools either before or after the age of graduation. When they enter the hostel, they should be allowed to attend the city schools and so associate with whites of their own age to the betterment or both. Should they show good progress, they should have every opportunity to qualify academically for a nurses training school which could be set up at the Charles Camsell Indian Hospital.
- (c) Such an institution would serve a great need and would provide security for intelligent girls who have, under present conditions, very little opportunity in life, and are all too often victims of mischance.
- (d) Such an institution may be operated at very low cost. Inquiry into operation of institutions, resembling in organization such as that of the Indian Association of Alberta urges, shows that girls may be maintained in a homelike and pleasant atmosphere with recreation within the home, at approximately \$1.30 to \$1.50 per week under present price ranges. A clothing allowance should be provided at least twice yearly, being approximately \$75 for winter outfits, and \$50 for summer outfits, in addition to the maintenance. These sums would provide all necessities, such as food, laundry, and maintenance of building as far as daily operational expenses are concerned.

NURSING STATIONS AND PUBLIC HEALTH SERVICE

The need of a Nursing Station and Welfare Centre is very great on most reserves, especially on those without hospitals or full time medical services.

It is recommended that there should be one such station and worker on each reserve, and on small reserves especially, the duties of nurse and welfare worker could be combined in a nurse with training in social welfare. On larger reserves, a nurse and a welfare worker could be fully occupied.

Both nurse and welfare worker should be chosen not only for skill in particular fields alone, but for a capacity to understand, sympathise with and win the confidence of the Indians. There must be no trace of superiority in their attitude to the Indians.

Their duties should include travel in the Reserves to visit all homes at regular intervals. Thus, they can assist and teach in the principles of sanitation and cleanliness.

Furthermore, it is recommended that such nurses and/or welfare workers should be paid a substantial salary and should in return be thoroughly interested in the work itself.

It is urged that such a plan should be put into effect as soon as possible, since the conditions under which many Treaty Indians must live are a disgrace to humanity and especially to a country as wealthy as Canada.

FREEDOM TO CHOOSE DOCTORS

As some doctors appointed by the Indian Affairs Branch for the Indians have proved highly unsatisfactory, or live too great a distance from the reserve under their charge to be readily available in cases of emergency, it is recommended that Treaty Indians have the privilege of choosing any doctor they desire. This arrangement should last until resident doctors are available for the larger reserves and Agencies. These doctors should be paid by the Department of National Health and Welfare Indian Health Branch, as are the regular doctors.

AT THE, BEAVER LAKE RESERVE No. 131; HEART LAKE RESERVE No. 167

Both reserves are rather isolated and in need of service. It is to be hoped that nursing stations be established at some suitable point to serve these reserves.

The services rendered by the Charles Camsell Indian Hospital are satisfactory but this hospital is a long way from the reserves near and south of Calgary, Morley Stoney, Sarcce, Peigan and Blood Reserves.

Distance causes heavy expense to those relatives who wish to visit their sick. It causes heavy expense in returning the remains of deceased to their reserves.

By co-operation with the Provincial authorities, and exchange or substitution of patients between the Central Alberta Sanatorium at Keith, near Calgary and the Charles Camsell Hospital could be effected. Indian patients from reserves in the southern part of Alberta might be accommodated at the Central Alberta sanatorium and white patients from Northern and north central Alberta who may be inmates of the central Alberta Sanatorium could be accommodated at the Charles Camsell Indian Hospital.

APPENDIX "3"

HOUSING

The reports appended to this Appendix indicate that Housing is an urgent need on many Alberta reserves. In general, houses are poorly constructed, badly ventilated, and improperly finished. They are largely of log construction, without permanent foundations, without double floors, without ceilings, or interior

finish. Doors and windows are poorly fitted so that no amount of heating can overcome the drafts.

Overcrowding is a very serious problem. As most houses are one-roomed, any kind of privacy is impossible. Persons of all ages, and both sexes are crowded into cramped quarters, a state that is not conducive to health or morality. Young couples are compelled to live with their parents and often three generations share a space about fifteen feet square—numbering twelve persons in many cases.

Such conditions foster disease and vermin; they defeat the purpose of the schools in teaching home-making and health. They have inculcated a spirit of frustration and defeat.

In too many cases, furniture is non-existent, except stoves; facilities for food storage too often, do not exist.

The deplorable high death rate from tuberculosis in Alberta is largely caused by improper housing. Sick and well are crowded together, especially in winter, and using the same vessels and utensils, disease is spread.

No doubt, the high infant mortality can be ascribed to these conditions.

A report based on conditions in Toronto gives the following table;

	Good Housing Area	Bad Housing Area
Criminal offences	9	1,765
Juvenile Delinquents	0	156
Infant Mortality per 1,000 births..	32	55
Tuberculosis deaths per 1,000 population	20	63

If such conditions exist among whites with their superior opportunities and training, what must conditions be among the Indian people?

The Association expresses its appreciation of the opening of the Charles Camsell Indian Hospital in Edmonton with its splendid facilities for treating tuberculosis. Federal authorities are to be congratulated upon their insistence in securing this building in the face of so much propaganda and political pressure from the whites.

But, the Association contends that a vigorous campaign to combat the spread and contraction of tuberculosis at its source—the Reserve—should be undertaken. Preventive, as well as curative measures are vitally necessary if the fight against tuberculosis is to be won. The fight must be carried right to the source—the house on the reserve.

Many reserves have suitable stands of timber that would furnish enough lumber for a housing scheme at low cost. There is no better way to conserve the assets of a Band than to preserve the lives of its members. Use of this timber to provide logs or lumber for home building can scarcely be called dissipation of Band assets. Future generations will be assured of at least one superior asset—health—and the consequent capacity to work and to live.

Portable saw mills, employing Indian labour, can be set up on a cooperative basis and a supply of lumber provided. A portion of this lumber should pass into the possession of the Band as a whole, to provide a pool of lumber from which Indians may borrow lumber for home building upon delivery to the pool of a number of logs which will, when sawn, return to the pool the equivalent of his borrowings.

In addition a man might be allowed to take the logs necessary to provide floors, partitions, ceilings and inside walls, etc., and use building logs to erect the walls of a home, with the shingles, doors and windows being supplied from Band Funds or through Welfare grants from the Indian Affairs Branch. He might be encouraged to bring to the mill enough logs over and above require

nents to be sold to provide him with the doors, windows, etc. and hardware, the bricks or cement required for foundations and chimneys.

All houses should have suitable foundations of a permanent nature and reproof chimneys of brick or stone or concrete. All houses should have partitions to provide sleeping quarters apart from the living space. Materials for outside toilets must be provided for EVERY home on EVERY reserve. This is an urgent necessity.

The Association sent out the following questionnaire to various reserves and the replies to this are appended to this Appendix. These replies reveal the true state of affairs better than any argument. In addition, photographs, obtained upon various reserves, also revealing the needs of the Indian People are submitted.

QUESTIONNAIRE

1. About how many houses of (a) logs, (b) lumber, (c) other construction.
2. About how many houses with (a) one room only, (b) two rooms, (c) 3 or more rooms, (d) upstairs in use, (e) cellars, (f) vegetable pits.
3. About how many houses with (a) double floors, (b) ceilings, (c) walls finished inside: (1) plaster, (2) lumber, (3) building paper, (4) other material; (d) brick or other fireproof chimneys other than stove pipe, (e) shingle roofs, (f) slate roof, (g) tarpaper roofs; (h) other form of roof, (i) outside toilets.
4. How many families have no houses at all? Why?
5. What is the size of the average home in feet?
6. What is the average number of windows?
7. What is the average glass area per window?
8. What is the average number of persons occupying a house?
9. What is the average number of persons of all ages living in a single room?
10. How many homes are in urgent need of repair?
11. How many houses should be rebuilt entirely?
12. How many complete new houses are urgently required?
13. Why?
14. Is there timber for logs or lumber on the reserve which could be used for building proper homes?
15. What in your opinion is the greatest housing need on your reserve?
16. Are there houses provided for the very old or the indigent?
17. Exactly what is supplied by the department towards a new house?
18. Exactly what is supplied by the home builder?
19. Is anything supplied from Band Funds for new homes?
20. How many houses have reasonable good foundations?

RESERVE No. 150-A SUCKER CREEK—DRIFTPILE AGENCY

Report submitted by Mr. Henry Prince, Director I.A.A.

1. (a) 22 long houses.
(b) 1 family has a lumber house.
(c) None.
2. (a) 11 houses have one room each.
(b) 10 houses have two rooms each.
(c) 3 houses have three rooms each.
(d) 9 houses with an upstairs in use.
(e) There are 14 cellars.
(f) No vegetable pits.

SPECIAL JOINT COMMITTEE

3. (a) 16 houses have double floors.
 (b) 2 houses have ceilings as such.
 (1c) None.
 (2c) 2 finished inside with lumber.
 (3c) 3 finished with building paper, 10 finished inside with building paper.
 (d) No brick chimneys.
 (e) 16 have shingle roofs.
 (f) 1 slate roof.
 (g) 6 with tar paper roofs.
 (h) None.
 (i) 20 outside toilets.
4. 4 families have no houses at all. They cannot afford them.
5. The average size is 18 x 20 feet.
6. The usual number of windows is 4.
7. The average glass area per window is 2 square feet.
8. The average number of persons in one house is 5.
9. The average number of persons living in one room is 4.
10. 8 houses need repairs badly.
11. 6 houses should be rebuilt entirely.
12. 3 new houses are needed at once.
13. These people have no homes at all.
14. Yes there is enough timber if it can be saved from the waste of forest fires.
15. We need urgently, shingles, windows, doors, nails, building paper and if possible a BRICK chimney for every home.
16. The oldest of our indigent have houses.
17. Nothing is supplied by the Indian Affairs Branch.
18. Everything must be supplied by the house builder personally.
19. Nothing is supplied from Band Funds for new homes.
20. No foundations on any buildings at all.

RESERVE No. 145 SARCEE

Report submitted by Mr. David Crowchild, Director I.A.A.

1. (a) 5 log houses.
 (b) 41 lumber houses.
 (c) None.
2. (a) 19 houses have one room each.
 (b) 3 houses have two rooms each.
 (c) 19 houses have 3 rooms each.
 (d) None.
 (e) There are two cellars.
 (f) There are 17 vegetable pits.
3. (a) 41 houses have double cellars.
 (b) 41 houses have ceilings.
 (1c) None.
 (2c) 41 houses lumber finished.
 (3c) None.
 (4c) None.
 (d) 41 houses have fireproof chimneys.
 (e) 41 houses have shingle roofs.
 (f) None.
 (g) None.
 (h) None.
 (i) 30 houses have outside toilets.

4. None.
5. The average sizes are 27 houses 15 x 18, 14 houses 25 x 24.
6. The average number of windows 27 houses 3 windows, 14 houses 7 windows.
7. The average glass area per window is 30 x 48.
8. The average number of persons occupying a house is 5.
9. The average number of persons living in one room is 4.
10. 35 houses need repair badly.
11. 2 houses should be rebuilt entirely.
12. 10 new houses are needed at once.
13. Newly married couples.
14. None.
15. Enlargements to present houses.
16. No.
17. Everything is supplied by the home builder.
18. Everything must be supplied by the home builder personally.
19. Some furniture is supplied by the band funds.
20. 25 houses have reasonably good foundations.

PEIGAN RESERVE

Report submitted by W. Bastien, Ass't Sec. Brocket Local I.A.A.

1. (a) 71 log houses.
(b) 30 lumber houses.
(c) None.
2. (a) 63 houses have one room each.
(b) 27 houses have two rooms each.
(c) 11 houses have three rooms each.
(d) 1 upstairs is in use.
(e) There are two cellars.
(f) There are 6 vegetable pits.
3. (a) 1 house with double floors.
(b) None.
(1c) None.
(2c) 3 lumber finished.
(3c) None.
(4c) None.
(d) 7 houses have fireproof chimneys.
(e) All have cellars.
(f) None.
(g) None.
(h) None.
(i) There are 15 outside toilets.
4. 25 have no houses at all. They are financially unable to build themselves.
5. The average size is 18 x 20.
6. The usual number of windows is 4.
7. 4 panes 12 x 24.
8. The average number of persons living in one house in the summer is 6 to 8 and in winter 10 to 12.
9. The average number of persons living in one room is 4.
10. 75 houses need repairs badly.
11. None.
12. 25 new houses are needed at once.
13. No houses for younger generation marriages. Present homes of parents used for younger generation and aged.

SPECIAL JOINT COMMITTEE

14. Yes if timber limit is worked and lumber made available.
15. 3 roomed houses or more.
16. Windows, floors, doors, and shingles.
17. Windows, floors, doors, and shingles.
18. Logs and labor.
19. Windows, floors, doors, and shingles.
20. 30 per cent.

RESERVE No. 132 MICHAEL'S BAND

Report submitted by J. Roderick Callihoo, Director I.A.A.

1. (a) 12 log houses.
(b) 6 lumber houses.
(c) None.
2. (a) 1 house has one room.
(b) 5 houses have 2 rooms downstairs.
5 houses with one room downstairs and one upstairs.
(c) 5 houses have three rooms.
(d) 10 houses with upstairs in use.
(e) All houses have a cellar with one exception
(f) 1 vegetable pit
3. (a) 12 houses have double floors
(b) 5 houses have ceilings
(1c) 5 houses finished with mud plaster
(2c) 1 house finished with lumber
(3c) 8 houses finished with building paper
(4c) 3 houses finished with wallboard
(d) 4 houses have brick chimneys
(e) 17 houses have shingle roofs
(f) none
(g) 1 house has a tar paper roof
(h) none
(i) All houses have outside toilets
4. Two families have no houses at all. Because they are working off the reserve.
5. The average size in feet is 18 x 20.
6. The average number of windows is 5 or 6.
7. The glass area per window is 12 x 24 4 panel, 10 x 20 4 panel.
8. The average number of persons living in one house is 5.
- 9.
- 10.
11. 10 to 12 houses should be rebuilt entirely.
12. All houses to be rebuilt are needed urgently.
13. Because they are without foundations and are not fit to live in.
14. No there is no timber left on our reserve either for logs or lumber.
15. Good houses with solid frames and concrete foundations.
16. None.
17. Nothing is supplied by the Indian Affairs Branch.
18. The home builder supplies everything.
19. No, nothing whatever is supplied by Band Funds.
20. There are five houses with concrete foundations.

RESERVE NUMBER 38a—MA-ME-O

Report submitted by Mark Yellow Bird, Secretary, Bulls and Pigeon Lake
Locals I.A.A.

1. (a) 12 houses of round logs, 3 houses of hued logs.
(b) None
(c) None
2. (a) 14 houses of one room
(b) 1 house two rooms
(c) none
(d) 2 upstairs not in use
(e) none
(f) 1 in every house
3. (a) 2 houses with double floors
(b) 2 houses with ceilings
(1c) 15 houses finished inside and outside with mud.
(2c) only log houses no other material
(d) none
(e) 4 houses have shingle roofs.
(f) none
(g) 2 houses have tar paper roofs
(h) 2 houses rubberoid
4 houses of scrap lumber
3 houses of mud
(i) 2 houses have toilets.
4. All families have houses but some are not fit to live in.
They are not able to have good houses because there is no support from the Band.
5. Average size in feet 18 x 20.
6. The average number of windows is 3.
7. The glass area per window would be equal to a barn window.
8. The average number of persons living in one room is 7 persons, including children.
9. One to 60 years.
10. 10 houses should be repaired.
11. 10 houses urgently needed to be repaired.
12. 5 houses are needed urgently.
13. People want new homes from Band Funds; they are not able to pay out of their labour. They have to support their families.
14. 2 proper houses could be built of logs.
15. To help cure T.B. and other sickness by decent living quarters.
16. 1 house has been built for an old person.
17. Not much material is supplied by the Indian Affairs Branch for new homes.
18. Scrap lumber and material is supplied by the home builder.
19. There has been no band fund spent for new homes.
20. None.

ERMINESKIN RESERVE

Report submitted by Cyprine Larocque, Secretary, Ermineskin Local

1. (a) 44 houses built of logs
(b) 8 frame buildings; one C.P.R. box car used as a house
(c) 2 log houses covered over with lumber inside and outside
(d) 55 total dwelling houses.

2. (a) 15 houses with only one room
 (b) 8 houses with two rooms
 (c) 1 house with 3 rooms downstairs and one room upstairs
 (d) 30 houses downstairs and upstairs
 (e) 21 houses with cellars
 (f) no vegetable pits.
3. (a) 37 houses with double floors
 (b) 11 houses with ceilings
 (1c) 7 houses finished with lumber inside
 (2c) none with plaster
 (3c) no buildings with building paper
 (4c) about 45 houses are plastered with mud inside and outside
 (d) about 6 houses with brick chimneys
 (e) 12 houses with board and tar paper roofs
 (f) all others have shingle roofs
 (g) none
 (h) none
 (i) 9 outside toilets.
4. About 14 families have no houses. Some have no means of getting logs. Some do not try to have houses. Some do try to have houses and at present have house-lots but have not yet started building.
5. About 17 x 15 feet; a few are too small to live in.
6. From 2 to 4 windows on the average.
7. In most houses 20 x 40 and some 20 x 20.
8. From 3 to 4 persons.
9. From 3 to 5 persons and sometimes more. 1 to 3 families in winter in some houses.
10. About half or more of the total numbers which is about 55 houses.
11. 9 or 10 houses should be rebuilt.
12. About 14 families who have no houses and almost as many more should be rebuilt.
13. Some dwellings too old and not healthy to live in.
14. We have a lot of timber but not suitable or available for building many houses; there are some old big trees and the rest is too small for house logs. We have no good timber for making lumber.
15. Suitable timber for to make lumber.
16. Some are provided but not all.
17. Cement for foundations, lumber, shingles, doors, windows, but for two or three years the money has not been available for building new houses.
18. House logs and to find a builder.
19. From our Band Funds which are getting low.
20. About 33 houses have foundations; some are good but again some are not very sound.

RESERVE NUMBER 123 KEEHEWINS RESERVE

Report submitted by J. F. Dion

1. (a) there are 27 log houses on the reserve
 (b) there are two lumber houses
 (c) none

2. (a) 23 houses with one room.
 (b) 6 houses with 2 rooms.
 (c) None.
 (d) 2 with upstairs in use.
 (e) Majority have small cellars.
 (f) None.
3. (a) 1 house has a double floor.
 (b) 1 house has a ceiling.
 1(c) None.
 2(c) 2 finished inside with lumber.
 3(c) None.
 4(c) 27 of other material (mud).
 (d) 1 fireproof chimney.
 (e) 10 shingle roofs.
 (f) None.
 (g) 9 tar paper roofs.
 (h) 10 sod roofs.
 (i) 3 outside toilets.
4. 1 has not been able to build.
5. The average size home is 16 x 18 feet.
6. 3 is the average number of windows.
7. 20 x 20 is the average area per window.
8. 6 persons to one house.
9. 6 persons to a room as all houses are very nearly one room.
10. 20 houses are in urgent need of repair.
11. Practically all of the log houses should be rebuilt. Some of these are not fit for people to live in.
12. and 13. I would say 20, 13 because the houses now are too old and far too small. Some of the old houses or shacks should be burnt. It would be far healthier to spend the winter in tents.
14. Plenty of poplar but not much spruce.
15. Lumber and hardware.
16. No.
17. On one of the three new log houses erected in the last three years my findings were as follows. Houses 18 x 20 feet. Dept. supplied lumber for roof and one single floor, 4 windows, tar paper and shingle nails.
18. Logs, labour and lumber if an upstairs is wanted, the house is a mere shell at present, other two are no better.
19. The three new houses referred to in this report were built under a different scheme to that of the present proposed housing program. Band Funds may have been used. The men for whom the houses were built are not satisfied, lumber supplied them was very poor.
20. Only one house has a fairly good foundation.

LOUIS BULL RESERVE

Report submitted by John Rabbitt, Director I.A.A.

1. (a) 13 log houses.
 (b) 10 lumber houses.
 (c) None.
2. (a) 22 houses have one room only.
 (b) None.
 (c) None.
 (d) 7 with upstairs in use.
 (e) 10 houses have cellars—4' x 4' cellars.
 (f) 2 houses with vegetable pits.

3. (a) 20 houses with double floors.
 (b) 20 houses with ceilings.
 1(c) None.
 2(c) 10 houses finished inside with lumber.
 3(c) None.
 4(c) None.
 (d) None.
 (e) 22 houses with shingle roofs.
 (f) None.
 (g) None.
 (h) None.
 (i) 2 houses with outside toilets.
4. 5 families have no houses at all.
5. The average size of the houses in feet are 18 x 20; 16 x 18.
6. The average number of windows is 4 downstairs and 2 upstairs.
7. The glass area per window is 10 x 20.
8. The average number of persons per house is 5 or 6.
9. The average number of persons living in one room is 2.
10. 9 houses are in urgent need of repair.
11. 2 houses should be rebuilt entirely.
12. 3 houses are urgently required.
13. Because the previous houses have been burnt down—one house.
14. Yes.
15. Toilets and kitchens are needed most urgently.
16. None.
17. None.
18. None.
19. Yes.
20. 15 houses have reasonably good foundations.

Reserve No. 135 Enoch's Band (Winterburn)

Report submitted by John McGillis, Director I.A.A.,
 John Papin, Secretary, Winterburn Local.

1. (a) 14 log houses.
 (b) 22 lumber houses.
 (c) None.
2. (a) 14 houses with one room only.
 (b) None.
 (c) 22 with 3 or more rooms.
 (d) 7 with upstairs in use.
 (e) 36 houses with cellars.
 (f) None.
3. (a) All lumber houses and 4 log.
 (b) 34 houses with ceilings.
 (c) 22 houses finished inside.
 (d) 22 houses with fireproof chimneys.
 (e) 36 shingle roofs.
 (f) 4 slate roofs.
 (g) None.
 (h) None.
 (i) None.
4. 2 families have no house at all.
5. The average size home is 20 x 20.
6. The average number of windows is 6.
7. The glass area per window varies 10 x 14; 12 x 20; 8 x 10; 12 x 24.
8. The number varies.
- 9.

10. Practically every house needs repairs.
11. Indefinite number.
12. 4 new homes are urgently needed.
13. Because the present homes are not fit to raise families in.
14. A very small amount of rough lumber only could be obtained.
15. Our opinion is that we need new homes if we are going to raise our families properly.
16. Homes for old people.
17. None whatever from the department.
- 18.
19. All buildings from Band Funds.
20. All except seven have good foundations.

Reserve No. 150 Driftpile

Report submitted by J. B. Giroux, Secretary Driftpile
Local I. A. A.

In taking the housing census on this reserve, we find that there will be a great change very soon. Our agent invited me to go along with him to see the houses that are going to be repaired and those that are to be rebuilt. Mr. Landry is trying to get as many carpenters as he can get for building new homes. He has one at present and also has four men engaged in repairing homes. But there was not a proper house on this reserve before the Agent started working on the housing problem. Therefore, we shall not make any record at this time as we believe that in a month's time there will be a great change.

14. Plenty of timber for logs and for lumber.
15. We need cement mostly for foundations, shingles and fireproof chimneys.
16. Houses are provided for the aged and for the indigent.
17. The Department supplied towards a new house nails, windows, doors, shingles, roof jack, lumber, building paper.
18. When a man is making his own home he supplies everything himself. An odd one gets a few shingles or a window.
19. We do not know if anything is supplied by the Band Fund.
20. None.

Reserve No. 133A. PAULS BAND

Report submitted by David Poter, President, Duffield Local; Joe House, Vice President I.A.A., Secretary, Duffield Local.

1. (a) 47 log houses.
(b) None.
(c) None.
2. (a) 47 houses with one room.
(b) None.
(c) None.
(d) 39 houses with upstairs in use.
(e) None.
(f) There are 20 vegetable pits.
3. (a) There are 39 double floors.
(b) 39 houses with ceilings.
- 1(c) None.
- 2(c) None.
- 3(c) None.
- 4(c) None.
(d) None.
(e) There are 40 slate roofs.
(f) None.
(g) 5 tar paper roofs.
(h) None.
(i) 3 outside toilets.

4. 10 families have no houses at all. Because of the changing of hands between old and young.
5. The average size home is 18×25 .
6. The average number of windows is 6.
7. The average glass area per window is 20×48 .
8. The average number of persons per house is four.
9. The average number of persons living in one room is four.
10. 47 houses are in urgent need of repair.
11. 20 houses should be rebuilt entirely.
12. 10 new houses are urgently required.
13. For old people and destitute.
14. Yes.
15. Houses for old people.
16. No.
17. Nothing.
18. Logs and gravel are supplied by the home builder. Also part labour.
19. Everything is supplied from the Band Funds.
20. 39 houses have reasonably good foundations.

RESERVE No. 133, ALEXIS

Report submitted by John Cardinal, Secretary, Alexis Local
Information by Chief Joe Alexis.

1. (a) 17 log houses.
(b) None.
(c) None.
2. (a) 17 houses with one room only.
(b) None.
(c) None.
(d) None.
(e) None.
(f) There are 17 vegetable pits.
3. (a) None.
(b) None.
1(c) 17 houses finished with mud plaster.
2(c) None.
3(c) None.
4(c) None.
(d) None.
(e) 8 houses have shingle roofs.
(f) None.
(g) None.
(h) Other forms of roof 9
(i) None.
4. 20 families have no houses at all because they cannot afford them.
5. The average home is 20×18 .
6. The average number of windows is ten panes.
7. The average glass area per pane is 24×24
 16×12
 8×8
8. Members of one family only occupy a house.
9. About 6 persons per house.
10. Most houses are in urgent need of repair.
11. No houses need to be rebuilt entirely.
12. We need rather a new house for every family.
13. Houses are almost beyond repair.
14. Yes there is timber for logs and lumber.
15. There is no one greatest need. Everything is sorely needed.
16. No.

17. Nothing.
18. None.
19. Yes, shingles, building paper, windows, doors, lumber, nails from the Band Funds.
20. No good foundations.

STONEY RESERVE

Report submitted by Edward Hunter, Director I.A.A.

1. (a) Nearly all houses on the reserve are of log construction.
(b) Less than 10 are of lumber.
(c) No other construction.
2. (a) Few have more than one room.
(b) Three or four have 2 rooms.
(c) One or two have three rooms.
(d) One.
(e) About ten have vegetable pits.
(f)
3. (a) Only a few of the newly built homes have double floors.
(b) As above.
(c) 1. None.
2. Scarcely any.
3. A few have paper lined walls but it is paper of poor quality and, as the people have little or no experience, the general effect is unpleasant.
(d) None of brick.
(e) At one time most houses had shingle roofs but these roofs are practically worn out now.
(f) None.
(g) Over the old shingles some people have laid tar paper.
(h) None.
(i) Only a few.
4. About 25 families or individuals have no homes, possibly because of the lumber shortage.
5. Houses are of various sizes, 16' x 14', 20' x 16', 10' x 12'.
6. The windows vary according to the size of the house. In the 16' x 14' houses usually 3, in the larger 4, in the smallest 2, sometimes 3.
7. 8 square feet.
8. Approximately 8 to 10 people.
9. As above.
10. Almost every house on the reserve needs repair badly.
11. About half the houses on the reserve.
12. 100 or more.
13. Some houses no longer fit to live in; young people wish to become householders.
14. No.
15. Lumber.
16. Yes.
17. A little lumber, windows, shingles.
18. Logs, remaining lumber needed, nails, etc.
19. No.
20. Only two or three.

SPECIAL JOINT COMMITTEE

162—RED RIVER

163—FORT VERMILION.

173—TALL CREE.

173A—TALL CREE PRAIRIE.

Report Submitted by Mr. Courtoreille

1. (a) Each family has a log house or a cabin.
 (a) One family has a lumber house.
 (c) A few trap line cabins.
2. (a) Nearly all one roomed.
 (b) 4 or 5 houses have two rooms.
 (c) None.
 (d) 4 houses have an upstairs in use.
 (e) 10 houses have small cellars.
 (f) One home has a vegetable pit.
3. (a) One or 2 houses have double floors.
 (b) None.
 1(c) None.
 2(c) 4 houses have walls finished with lumber.
 3(c) None.
 4(c) None.
 (d) None.
 (e) 9 have shingle roofs.
 (f) None.
 (g) None.
 (h) The remainder have roofs of bark and soil.
 (i) Only a few have outside toilets.
4. A few have cabins.
5. The average size is fifteen feet square.
6. The usual number of windows is two, sometimes three.
7. The average glass area is about 3 square feet per window.
8. About 8 inhabitants per house.
9. All live with somebody, children or grandchildren.
10. 11. All the houses are in urgent need of repair and all are in very poor condition.
12. 13. People have to move frequently from place to place.
14. Yes, there is timber for house building.
15. The greatest housing need is a boarding school to shelter the children.
16. No houses provided especially for the old and indigent.
17. The Department, to my knowledge does not supply anything.
18. Each builds his own house.
19. Nothing is supplied from Band Funds to my knowledge.
20. Two houses have reasonably good foundations.

RESERVE NO. 134—ALEXANDER

Report Submitted by Mr. Leo Kootenay, President Alexander Local I.A.A.

1. (a) There are 40 log houses.
 (b) 1 lumber house.
 (c) None.

2. (a) 38 houses have one room only.
 (b) 4 houses have two rooms.
 (c) None.
 (d) 39 houses have an upstairs in use.
 (e) 3 houses have cellars.
 (f) None.
3. (a) 35 houses have double floors.
 (b) 2 houses have ceilings.
 1(c) 41 houses have plaster finish.
 2(c) 1 finished with lumber.
 3(c) None.
 4(c) None.
 (d) None.
 (e) 36 houses have shingle roofs.
 (f) None.
 (g) None.
 (h) 3 houses have dirt roofs.
 (i) 23 houses have outside toilets.
4. 6 families have no houses at all. Two sold, 1 burned and 3 no material.
5. The average size home is 18' x 20'.
6. The average number of windows is 5.
7. The average size area of glass is 24" x 40".
8. The average number of people per house is 5.
9. The average number of persons occupying a single room is 5.
10. 41 houses are in urgent need of repair.
11. 4 houses should be rebuilt entirely.
12. 10 houses are urgently required.
13. No building material.
14. None.
15. Foundations are urgently needed on the reserve.
16. Some houses are provided for the old and indigent.
17. None.
18. Logs are supplied by the home builder.
19. The Band Funds supplies all.
20. None.
21. We have a hall that needs repairing entirely.

RESERVES No. 121, No. 122—FROG LAKE

Report Submitted by Mr. Eli Moyal, Director I.A.A.

1. (a) All houses are built of log.
 (b) None.
 (c) None.
2. (a) All houses have one room.
 (b) None.
 (c) None.
 (d) One house has an upstairs in use.
 (e) None.
 (f) None.
3. (a) None.
 (b) None.

- 1(c) None.
- 2(c) None.
- 3(c) 2 houses are finished with building paper.
- 4(c) None.
- (d) None.
- (e) 11 houses have shingle roofs.
- (f) None.
- (g) One house has a tarpaper roof.
- (h) None.
- (i) 4 houses have outside toilets.
4. 6 houses have no family at all. Because they can't make them.
5. The average size home is 18' x 17'.
6. The average number of windows is 4.
7. The average glass area per window is 26" x 12"
8. The average number of persons per house is 5
9. The average number of persons living in one room is 5
10. None, all old houses
- 11.
12. Lots
13. Got no help
14. Yes
15. Everything is needed
16. No
17. The Department supplies the shingles for a new house.
18. The home builder supplies logs and mud.
19. We do not know if the Band Fund supplies anything.
20. None.

RESERVE 137—SAMSON'S

1. (a) There are about 79 houses of logs.
- (b) There are 25 houses of lumber.
- (c) None.
2. (a) There are 85 houses with one room only.
- (b) There are 17 houses with two rooms.
- (c) There are 2 houses with 3 or more rooms.
- (d) There are 27 houses with upstairs in use.
- (e) None.
- (f) There are 80 houses with vegetable pits.
3. (a) There are 36 houses with double floors.
- (b) There are 21 houses with ceilings.
- (1c) There is 1 house finished inside with plaster.
- (2c) There are 13 houses finished inside with lumber.
- (3c) There are 6 houses finished inside with building paper.
- (4c) There are 4 houses finished with other material.
- (d) There are two houses with brick chimneys.
- (e) There are 91 houses with shingle roofs.
- (f) None.
- (g) There are 12 houses with tarpaper roofs.
- (h) There are two houses with dirt roofs.
- (i) There are 20 houses with outside toilets.
4. There are 40 families with no houses at all. They (Indians) have way of obtaining necessary building materials.

5. The size of the average home in feet is 16' x 20'.
6. There are 3 windows to the average home.
7. The average glass area per window is 10" x 20".
8. There are 3 persons occupying a house.
9. There are 4 persons of all ages living in a single room.
10. Every one mentioned in 1, 79 houses with logs
(b) 25 houses of lumber
11. About one half mentioned above.
12. There are about 30 completely new homes urgently needed.
13. Indians are anxious to make farming their means of living.
14. There is timber for logs on the Reserve which could be used for building proper homes.
15. Houses of lumber.
16. There are houses provided for very old or indigent—but not enough.
17. There is nothing supplied by the Department towards a new house.
18. The home builder supplies
 1. gravel
 2. sand
 3. logs
 4. labour.
19. Repayment basis or Revolving Fund.
20. There are 19 houses with reasonably good foundations.

RESERVE No. 148—BLOOD

We have taken a typical cross-section of our Reserve.

Statement of FRANK ELI.

My house is a frame building 24' x 18' and divided into 2 rooms—one room lined with beaverboard and other room lined outside only. Brick chimney house occupied by self and wife and 2 children and 3 other children are attending school.

I have 4 horses broke and a saddle horse and 15 other horses not broke.

I farmed since 1935 failed 4 times by hail once and other times by drought, hoppers and stock getting in.

I do not own any farm implements. I farm 25 acres one year and 28 acres another year.

I would like to continue farming.

I have 5 head of cattle and received from community herd 7 head.

My house is about 22 miles from my home, on river bottom. I have no milk cow, no pigs or chickens. My farm is about 4 miles from the river where I have to drive my horses to water when I am on the farm.

I own mowing machine and rake and have 5 loads of hay put up to now. I am not finished haying yet.

I have no steady income but manage to live the best way I can by getting groceries on credit from Cardston stores.

My grain was swathed on Aug. 10 and today Sept. 27 I am still waiting for it to be threshed.

Statement of MIKE HEALY.

I do not own the house I am living in. I am living with my mother and she owns the house a frame house about 30' x 20', with two rooms kitchen and living room which we also live in. I have my wife and three children living in the house also my mother and her grandchild, 3 other children are at the

residential school. I have no farm at present. I would farm if I had the implements to work with. I have 8 head of horses (Work) and 5 not broke but suitable to work and three saddle horses.

If I had implements I would farm and my boys are getting to be old enough to help me farming. I have no cattle now but I did have 20 years ago but my father (late) was in charge of them and used them up before he died. If I had a start in cattle I would take good care of them.

I own a mower and rake and I make my living chiefly by haying I manage to put up around 50 tons of hay each year and with working for others I manage to make a living for the family.

Statement of GEO. SCOUT.

I live in a house 18' x 20' with roof shingled and lined with beaverboard and has a brick chimney. My house is occupied by myself and wife and three children.

I have 10 head of horses and no cattle. I farmed about five years ago but I could not continue as I did not own any implements. I would also like to raise cattle if I had the chance. I have about 90 acres of land I used to farm.

Statement of BOB TAIL CHIEF and FRANK SCOUT.

We live in the same house, a log house with 2 rooms and a kitchen lean to. These two rooms are approximately 16' x 18' and the kitchen 10' x 10' made of lumber. The house is shingled and has a galvanized tin chimney. One part of the house is occupied by myself and wife and nephew. The other part by adopted son, Frank Scout, and his wife and 3 children. This house was built in 1906.

I have 14 head of work horses and 50 head of cattle. The farm is owned by myself and Frank Scout. We have on the farm about 90 acres of cultivated land and fenced. Although we have tried to keep farming we couldn't continue on account of not having any implements. I've tried to get the Indian Agent to have someone do the plowing for us or send the band tractor up to plow for us, but owing to the long distance they have not done so yet. My stable was burned down some years ago and only recently have we been able to rebuild it. I have good shelter and have lots of water for my cattle and other stock that I own, I am 77 years old and my son is about 31 years old.

Similarly situated or needing houses are:

Henry Mills Jr.

Wm. Heavy Runner Jr.

Stanley Healy

Hugh Healy

Arthur Healy

Mike Healy

Mike Devine

Albert Wells

Fred Weaselfat Jr.

Alan Hind Bull

Frank Goodstriker

Rufus Goodstriker

Henry Dayrider

Bernard Littlebear

Edward Littlebear

Edward Spotted Bull

Paul Melting Tallow

Mike Oka Jr.

Report by Blood Local No. 1

RESERVE NO. 125—SADDLE LAKE

75% of the people have not got what they call "homes". Most of the houses are one-room affairs in which a family varying from 4 to 10 persons live in that one room.

Some of these houses are shingled but many are mud-roofed buildings. Others need a lot of repairing to make them homes of comfort. Saddle Lake needs a large expenditure of money to build and improve homes.

Report sent in by

M. E. Steinhauer

Vice President, I.A.A.

BLOOD RESERVE

1. (a) There are about 90 log houses
(b) There are 35 lumber houses.
(c)
2. (a) There are 60 houses with one room only.
(b) There are 80 houses with two rooms each.
(c) There are 20 houses with three or more rooms.
(d) There are 4 houses with upstairs in use.
(e) There are 18 houses with cellars.
(f) There are very few vegetable pits.
3. (a) There are sixty houses with double floors.
(b) There are 60 houses with ceilings.
(c) 7 houses are finished inside with plaster.
90 houses are finished inside with building paper.
(d) There are 70 houses with fireproof chimneys.
(e) There are 120 houses with shingle roofs.
(f)
(g)
(h)
(i) There are 40 houses with outside toilets.
4. There are 18 to 20 families without any houses at all.
Because they have no means.
5. The average home is 18' x 20'.
6. The average number of windows is four.
7. The average glass area per window is 2" x 5".
8. There are about 5 persons living in one house.
9. There is five people to every room.
10. 20 per cent of the homes are in need of repair.
11. 10 per cent of the houses should be rebuilt entirely.
12. 18 or 20 houses are urgently required.
13. Young families want to be on their own or should be on their own.
14. There is timber for logs and lumber at our timber limit.
- 15.
16. The only houses provided for the old and indigent are those provided by their relatives.
17. The Department will only repair houses.
18. The builder supplies exactly what he can.
19. The Band Fund supplies money to repair homes.
20. Most homes have a reasonably good foundation.

ALL MARRIED MEN AND CHILDREN WHO HAVE NO HOME

- | | |
|-----------------------|---------------------------|
| 1. A. Panther Bone | 11. George Good Dagger |
| 2. B. Mills | 12. Mike Eagle Bear |
| 3. George Hind Man | 13. Albert Vielle |
| 4. Black White Man | 14. Mike Eagle Speaker |
| 5. C. Goodrider | 15. Charlie Eagle Speaker |
| 6. Dick Day Chief | 16. Tom Eagle Speaker |
| 7. Ronald Day Chief | 17. Charlie Bull Shield |
| 8. Victor Day Chief | 18. Dick Wills |
| 9. Duncan Bottle | 19. Jim Plaited Hair |
| 10. Victor Chief Body | 20. Ken Mountain Horse |

- | | |
|-------------------------------------|-----------------------------|
| 21. Jim White Man | 65. Wallace Crow Chief |
| 22. Billy Singer | 66. Tom Oka |
| 23. John Chief Calf | 67. Jim Low Horn |
| 24. Stanly Healy | 68. Frank Good Striker |
| 25. George Small-eyes | 69. Ambrose Shouting |
| 26. Bob Rabbit | 70. Jim Young Pine |
| 27. Billy Rabbit | 71. Alfred Blood |
| 28. A. Healy | 72. Jack Many Bears |
| 29. Frank Goodrider | 73. Patrick Weasel Head |
| 30. Peter Moccisin | 74. Dan Heavy Head |
| 31. Jim P. Chicken | 75. Stanley Eagle Bear |
| 32. Edward Spotted Bull | 76. Patrick C. E. Wolf |
| 34. Alix Eagle Plume | 77. Jim Red Crow |
| 35. George Stripped Wolf | 78. Tom Many Fingers |
| 36. Frank Wolf Plume | 79. Floyed Many Fingers |
| 37. Philip Morning Bird | 80. Horace Big Throat |
| 38. Jim Eagle Child | 81. Tom Black Plume |
| 39. Bernard E. T. Feathers | 82. Bob No Runner |
| 40. Joe Crow S. Wings | 83. Ambrose Shouting |
| 41. Joe Wolf Child (Needs repairs.) | 84. Jack Mountain Horse |
| 42. Paul Russell | 85. Gordon Bird |
| 43. Joseph Hoof | 86. Ed Littlebear |
| 45. Percy Plum Woman | 87. Beny Plume |
| 46. Albert Wolf Child | 88. Mark Old Shoes |
| 47. Allan Hind Bull | 89. Joe Across the Mountain |
| 48. Frank M. Tallow | 90. Ted Braverock |
| 49. Sam Red Crow | 91. Wm. Heavy Runner |
| 50. Wings | 92. Herbert Dogchild |
| 51. Ronald Day Chief | 93. Alec Little Shield |
| 52. Earl Willows | 94. Ed Rederow |
| 53. Hugh Healy | 95. Frederic Weaselfat |
| 54. Allan Red Crow | 96. Henry Dayrider |
| 55. Bernard Eagle Plume | 97. Albert Wells |
| 56. Edward Little Bear. | 98. Jim Wells Jr. |
| 57. Sabastian Crying Head | 99. Leo Red Crow |
| 58. Tom Medicine Crane | 100. Tom Long Time Squirrel |
| 59. Bob Medicine Crane | 101. Bernard Littlebear |
| 60. Edwin Morning Owl | 102. Mike Healy |
| 61. Felix First Charger | 103. Pat Eaglechild |
| 62. Wilfred Morning Owl | 104. Stephn Fox Junior |
| 63. Jim First Charger | 105. Frank Good Rider |
| 64. Albert Day Rider | |

FOR RESERVE No. 125—SADDLE LAKE

1. (a) There are 109 Log Houses.
(b) There are 4 lumber houses.
(c)
2. (a) There are 69 houses with one room only.
(b) There are 38 houses with two rooms only.
(c) There are 2 houses with three rooms.
(d) 20 houses with upstairs in use.
(e) 65 all have cellars with one exception.
(f)

3. (a) 5 Houses have double floors.
 (b) There are seven houses with ceilings.
 (c) 109 walls finished with mud plaster.
 5 walls finished with lumber.
 (d) 2 houses have brick chimneys.
 (e) 69 houses have shingle roofs.
 (f)
 (g) 5 houses have tarpaper roofs.
 (h) there are 29 houses with sod roofs.
 (i) There are 66 outside toilets
4. There are 16 families with no houses. They cannot afford them.
5. The average home is 18 by 20.
6. The average window is 4 x 5.
7. The glass area per window is 10 x 20, 12 x 24.
8. There are from 4 to 8 people occupying one house.
9. 6 to 10 persons in one room. Some are two room.
10. 35 houses need repairs badly.
11. 15 to 20 houses should be rebuilt.
12. 18 families have no homes.
13. New houses are needed because the foundations of the houses are so poor they are not fit to live in.
14. There is poplar but not much spruce.
15. Good houses with solid frames and good foundations.
- 16.
17. There is no assistance whatever from Indian Affairs.
18. Everything is supplied by the home builder.
- 19.
20. 21 houses have reasonably good foundations.

APPENDIX "4"

SPECIAL NEEDS

1. St. Paul's Band Number 133A.

- (a) The area known as Lowwater Lake should be procured at once and a fur project established to ensure the members of this Band of additional revenue.
- (b) Additional agricultural land should be added to this reserve as it cannot, by any means, support its present population.
- (c) A program of rehabilitation must be undertaken to provide employment with returns for a decent standard of living for the members of this Band. At present, farming is ineffective because the land is poor. Standing timber reserves should be studied with a view to realizing upon its present value. This work should be performed entirely by members of the Band as a cooperative project, not by having the timber surrendered to white operators since they should not have the profit which belongs to the Band. The Indian Affairs Branch might undertake a project similar to that operated at the Menominee Reserve in the United States. The Indians could be encouraged to undertake market gardening as some of the soil seems suitable for that purpose. Small poultry farms could be operated on this reserve. A study should be made to determine whether the coal deposits on the reserve can be profitably developed by the Band.

(d) Immediate provision for a day school for those children now attending residential school would be a restraining influence to hold the Band on the Reserve.

2. *Alexis Band Number 133.*

An immediate program of rehabilitation must be undertaken to develop the reserve so that the members of the Band may be enabled to stay at home and make a decent living there. Fishing is no longer a secure means of livelihood and there is no large amount of merchantable timber. At one time these people were in a much better position than they are now; some land was being cleared and brought into cultivation. It has now mostly gone back to brush.

3. *Goodfish Lake Number 128 (Pakan's)*

(a) Here, means should be taken to make the Band self-supporting. This reserve has been slowly drifting backward to what it was formerly. Agriculturally, the reserve is not first class; fishing is no longer a secure livelihood. With economic decay, traces of moral and physical degeneration are evident. Such programs cannot be undertaken without money, and without very sympathetic administration which will arouse in the people a sense of responsibility and the desire to better their condition.

(b) Welfare workers who are understanding persons, sympathetic and inclined to meet the Indians as equals should be placed upon each of the above mentioned reserves. There has been altogether too much differentiation drawn between the administration and the members of the Bands. Too many white administrators have been inclined, consciously or unconsciously, to behave as if they were in some way superior to the Indians. In the last twenty-five years, this tendency has been more apparent prior to that date and the downward trend, economic, moral, physical, has been noticeable during those years.

4. *Sucker Creek Number 150A.*

(a) A series of disastrous ground fires have destroyed much of the hay meadows of this Band. Anyone familiar with this type of fire knows that land, once destroyed by ground fires, will become so infested with foxtail and other weeds, that it is practically impossible to restore it to cultivation. As these hay meadows are essential to the welfare of the reserve, they must be restored within the present season. The Chief and the members of this Band urge that this matter be attended to at once.

The Association fully supports this request and urges that sufficient funds be at once provided by the Indian Affairs Branch to restore the meadows in this season. From the funds provided by the Indian Affairs Branch, enough grass seed, such as timothy, and alfaswede clover should be purchased.

(b) The development of the timber resources of this Band should be seriously considered. Most of the men of the Band are experienced loggers and mill men; they are competent to operate any development by their own labour. There is no need to follow the outmoded and reckless policy of requiring the Indians to surrender their resources to white development. If a white man can operate a timber berth on an Indian reserve and show a profit, the time has come when the Indians themselves can operate the timber berth and keep all profits and wages on the reserve.

(c) For two years this Band has urged the breaking of land, but without avail. This is a progressive Band that has brought its land into cultivation by the hardest pioneer methods. Such methods are obsolete in a machine age. They are competent to handle their own land and the less interference they have the better for all concerned.

If some neglected land is not brought into cultivation by proper machinery being made available, and timber and brush cleared, the Band will become

discouraged. Time and again, the members of the Association have seen this happen. Too many reserves have been well on their way to self sufficiency when a policy of neglect has set in. The result has been discouragement, economic decline, and moral and physical decay.

The members of the Association are in no way reflecting upon the policies of the present Inspector of Agencies in Alberta or upon the Agent of the Drift-pile Agency. They do charge a policy of parsimony and neglect through absentee control from a distant point. Human welfare has been sacrificed to policies of retrenchment.

(d) A creek which formerly supplied parts of this reserve with running water has been dammed by a Northern Alberta Railway grade. The railway should be asked to reopen this stream to its fullest flow in the interests of health and economic development.

A policy of individual assistance should be seriously considered instead of the regimentation of the past. Some Indians make faster progress than others. The policy as we see it, has been to hold the most energetic and progressive Indian to the level of the least progressive, simply to save administrative costs and for ease of administration. Such a policy should be at once abandoned in the interest of the Treaty Indian, so the man who is trying to make a good farm and home will be given every encouragement. Such a policy will certainly mean more work for the administrative staff of the reserves. That may be a definite advantage. Too many unjust hasty decisions have been made by officials on reserves. It will be necessary to leave much more responsibility in the hands of the Chiefs and their Councillors and, with officials who are on the spot and have some working knowledge of conditions.

5. *Blood Reserve.*

(a) The Blood Reserve requires right of way to their timber limit now accessible only through Waterton Park, thereby depriving them of complete utility of their unit.

(b) A community hall is also urgently required by the Blood Reserve.

APPENDIX EN

BRIEF PRESENTED BY THE INDIANS OF THE PIEGAN RESERVE, BROCKET, ALBERTA

1. *Band Membership.*

We firmly desire that all Indian Bands have their rights to admit in their membership, upon favourable vote, any child or person of Indian descent.

2. *The Encroachment of White Persons on Indian Reserves.*

No white persons should be permitted to establish themselves on Indian Reserves, as these are considered as the property of Indian Bands. Immediate measures should be adopted by the Department of Indian Affairs to expell all white inhabitants who have homes on Indian Reserves or are conducting business there on.

3. *Enfranchisement of Indians both Voluntary or Involuntary.*

All Indians should be endowed with a franchise that is in harmony with the entire desire of each Indian, and Federal Authorities should not exercise compulsion of any sort in this respect.

4. *Treaty Rights and Obligations.*

It is the ardent desire of all Indians of this Reserve that the Federal Government respects and fulfils without failure these rights and obligations towards the Indians.

5. *Eligibility of Indians to Vote at Dominion Elections.*

There is diversity of opinion in this matter among Indians throughout Canada. Our interest in this matter is very limited, and as a matter of fact, we do not care to vote.

6. *Liability of Indians to Pay Taxes.*

Thus far, Indians have been exempt from real taxes for any property owned by them on Indian Reserves, but we believe that other taxes on consumers' goods especially those on food and clothing should also be included in this exemption. We are willing however, to pay other taxes ordinarily paid by Canadian citizens, that is, the real estate tax on property own by them, but not situated on the Reserves.

7. *Hospitalization.*

We disapprove the present system because the sites chosen for hospitals are too remote from the Reserves. We believe that if these institutions are to prove beneficial to us, they must be at a reasonable distance from the families that are sick. Furthermore, we believe in christian hospitalization, hence, preference for the management of these institutions should be given to this group whenever they can be found, and nurses placed under their supervision should be registered. Moreover, liberty to choose the hospital where they wish to be treated should be given to all Indians. At the present time, Indians are deprived of this liberty, since they are placed in hospitals hundred of miles away from their homes, and this, without being consulted. This system would not be tolerated by the white citizens of Canada, and hence, should not be enforced upon us under any pretense.

8. *The Operation of Indian Day and Residential Schools.*

The system of education now in process on our Reserves is satisfactory to us. As this system is approved by the Dominion Government, no change whatever is either desired or will be accepted by us. Improvements could be made however, in the line of the buildings' accommodations for the three categories of schools, that is, day and residential, or semi-residential schools. The salaries of teachers should also be paid by the Indian Affairs Branch, and all teachers in Indian schools should have normal training. Furthermore, teachers should be members of the Civil Service Association, and entitled to all the privileges offered by the Association. The per capita grant for Residential schools should be set up on a cost plus basis which could be established without difficulty by an independant commission or officials of the Branch of Indian Affairs. As for us, we want a semi-residential school.

9. *Factors Which Refer to our School.*

As for our Sacred-Heart Indian Residential school at Brocket, Alberta, we have discussed the matter thoroughly and we have come to the following conclusions: The flimsy construction coupled with the high winds have rendered our school dangerous to such an extent that we fear for the lives of our children. On windy nights the building rocks in the wind with such force that children are unable to sleep. Moreover, the water situation being totally inadequate, our school has become a fire trap. For this reason and for that of a lack of refrigeration, any health Inspector would promptly condemn it.

It would therefore be impractical to suggest any improvement on this old building, but we urgently ask for a new school capable of housing at least 100 children. This year, from 25 to 30 children of school age had to be refused admittance for lack of space.

SESSION 1947



SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPOINTED TO CONTINUE AND COMPLETE THE EXAMINATION
AND CONSIDERATION OF THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 13

TUESDAY, APRIL 22, 1947

WITNESSES:

Chief John Callihoo, President, Indian Association of Alberta;
Chief Robert Crow Eagle, Peigan Reserve, Brocket, Alberta;
Chief Teddy Yellowfly, Blackfoot Reserve, Gleichen, Alberta, representing
unaffiliated Indians of Alberta.

OTTAWA

EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY

1947



MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

TUESDAY, April 22, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to consider and examine the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 11 o'clock a.m.

Presiding: Mr. D. F. Brown, M.P. (Joint Chairman).

Present:

The Senate: The Honourable Senators Johnston, Paterson and Taylor—3.

The House of Commons: The Honourable Mr. Stirling and Messrs. Brown, Mackmore, Bryce, Case, Castleden, Charlton, Farquhar, Gariépy, Harkness, MacLean, Matthews (*Brandon*) (Vice-Chairman), Raymond (*Wright*), Reid—14.

In attendance: (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; B. F. Neary, M.B.E., Superintendent, Welfare and Training; H. M. Jones, Supervisor, Family Allowances; C. A. F. Clark, Educational Surveys Officer; D. J. Allan and M. McCrimmon, Reserves and Trusts Division; Major J. M. MacKay, Commissioner, British Columbia; G. H. Gooderham, Inspector for Alberta; (From Mines and Resources): Mr. W. J. Ford Pratt; also Rev. Father X. Lauzon, A.M.M., Eastview, Ont., and J. W. McKinnon.

(From Indian Association of Alberta): John Laurie, Calgary, Secretary-treasurer; Mr. Ed. Hunter, *Stony*, Morley; Chief Joe Bull Shield, *Blood*, Cardston; Mr. James Gladstone, *Blood*, Cardston; Chief Frank Cardinal, *Cree*, Sucker Lake Reserve, Drift Pile Agency; Mr. Mark Steinhauer, *Cree*, Saddle Lake; also, Mr. Norman E. Lickers, Barrister, Counsel for the Joint Committee and Liaison Officer.

Chief John Callihoo, President, Indian Association was recalled and questioned.

Mr. Laurie answered questions put to him by Mr. Lickers.

Chief Teddy Yellowfly, representing the unaffiliated Indians of Alberta, was called and questioned.

Mr. G. H. Gooderham, Inspector of Indian Agencies for Alberta was questioned.

Mr. D. J. Allan, Chief Clerk, Reserve and Trusts Division made a statement, as did Mr. M. McCrimmon of the same Division.

The Committee adjourned at 1 o'clock p.m., to meet again at 4 o'clock this day.

AFTERNOON SESSION

The Committee resumed at 4 o'clock p.m.

Presiding: Mr. D. F. Brown, M.P. (Joint Chairman).

Present:

The Senate: The Honourable Senators Macdonald (*Cardigan*) and Taylor
—2.

The House of Commons: Messrs. Brown, Bryce, Case, Castleden, Charlton, Farquhar, Harkness, Reid—8.

In attendance: as at the morning session, also Mr. T. R. L. MacInnes, Secretary, Indian Affairs Branch.

Mr. Bryce, by leave, called the attention of the Committee to errors in printing at page 511, No. 11, Minutes of Proceedings and Evidence.

Questioning was resumed of Chiefs Yellowfly and Robert Crow Eagle.

Mr. G. H. Gooderham, Inspector of Indian Agencies, made a statement and was questioned.

Attending representatives of the Indian Association of Alberta were questioned.

Mr. R. A. Hoey, Director, Indian Affairs Branch, made a statement.

Chief John Callihoo was recalled, made a statement and answered questions.

Mr. Laurie was recalled and questioned.

Chief Crow Eagle issued an invitation to the Committee to visit Alberta to "investigate more thoroughly the matters dealt with in the brief presented yesterday".

Mr. Laurie, on behalf of the Indian Association of Alberta thanked the Committee for the "very, very fine" reception accorded his delegation and their advisers.

Mr. Brown, Joint Chairman, thanked the members of the delegation for the very comprehensive brief which had been presented to the Committee and for the co-operation "given the Committee in our deliberations".

The Committee adjourned at 6.15 p.m., to meet again on Thursday next April 24, at 11 o'clock a.m.

T. L. McEVOY,
Clerk of the Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS, April 22, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 11.00 a.m. Mr. D. F. Brown, M.P., (Joint Chairman) presided.

The CHAIRMAN: Shall we come to order, gentlemen.

Yesterday, we heard witnesses from Alberta, representative of the Indian population of Alberta; Mr. John Callihoo, Chief Crow Eagle and Chief Teddy Yellowfly. As you know they are supported in the presentation of their briefs by representatives from the various parts of Alberta representing all the Indians in Alberta, and these others are now present. We are now at the stage where individual members of the committee may submit such questions as they care to not only to the ones who presented briefs but to others in the delegation. As is our practice we will permit questions by members of the committee going around the table clockwise; and may I again request the members of the committee in order to expedite the work of the committee to confine their remarks to interrogating the witnesses rather than making statements, because time is rather short. It would be appreciated by all members of the committee if you would merely ask the witnesses the questions you have in the shortest possible form. Now, that is all I have to say at the moment. We will submit questions starting with Mr. Blackmore. Have you any questions, Mr. Blackmore?

Mr. BLACKMORE: I had rather you gave my turn to the next man and let me come in at the end.

Mr. HARKNESS: Are we going to ask questions of anybody now, Mr. Chairman; is that the idea? Or are we to confine ourselves to Mr. Callihoo, and after that to Mr. Crow Eagle, and then to Mr. Yellowfly?

The CHAIRMAN: That will be within the pleasure of the committee. Would you like to have one after another come before you, or have them in a group?

Mr. REID: I think one at a time.

Mr. HARKNESS: I think that would be advisable and then we would not be going all over the map.

The CHAIRMAN: Is that agreeable to the committee?

Carried.

Then, Mr. Callihoo, I would ask you to come forward. Mr. Laurie, you might come forward too.

John Callihoo, President, Indian Association of Alberta, Michel Reserve, Villeneuve, Alberta, recalled:

By Mr. Harkness:

Q. I have really two questions I would like to ask Mr. Callihoo. The first one is this, that in giving his evidence yesterday he said that disposal of trust funds must not be made without consent of the band. Now, have there been cases to your knowledge of trust funds having been disposed of without consent of the band?—A. I do not know as I can find an answer here.

Q. My understanding is that trust funds cannot be disposed of unless the band agrees to it. I wondered if you knew of any cases where the reverse had taken place?—A. Well, I suppose it is taking place in some of the other reserves.

The CHAIRMAN: Will you answer that, Mr. Laurie. You don't mind if Mr. Laurie answers that, do you, Mr. Harkness?

Mr. HARKNESS: No, no.

Mr. LAURIE: To the first part of the question; none, at the moment. It is provided in the Act that such may be done. It is the desire of the association to have that clause altered.

Mr. HARKNESS: It has not been done so far, but you want to be sure that it is not done in the future?

Mr. LAURIE: That is right.

Mr. HARKNESS: Then my second question is this,—

The CHAIRMAN: Will you permit Mr. Lickers to make a statement, Mr. Harkness?

Mr. LICKERS: Under the provisions of the Indian Act it can be done only for the benefit of the Indians.

Mr. LAURIE: That is right.

Mr. LICKERS: Where the department thinks it is advisable to spend it for the benefit of the Indians.

By Mr. Harkness:

Q. You said you were opposed to any form of enfranchisement, either voluntary or involuntary. Now, in connection with that, do you mean that you are opposed to an Indian who wishes to leave the reserve becoming enfranchised being allowed to do so; or, what exactly do you mean by that statement?—A. What we mean by that is, supposing on one reserve some Indians want to be enfranchised and others on the same reserve did not want to be enfranchised. We take a vote on that and suppose the majority are for enfranchisement we would be taking away rights from those people who did not want enfranchisement.

Q. In other words, what you are opposed to is the whole band being enfranchised by a majority vote?—A. Yes, we are opposed to that.

Mr. HARKNESS: That is the point I wanted to get at.

The CHAIRMAN: But you are not opposed to individuals being enfranchised?

Mr. HARKNESS: You are not opposed to the individual Indian being enfranchised?

The WITNESS: No, not the individual. If the individual Indian wants to be enfranchised that is up to him.

By Mr. Harkness:

Q. There is just one other thing in your brief in the summary at page 67; I notice the pages are not numbered but it is the page immediately following number 66 so I assume it would be number 67; you say, "2(f) subject to the approval of the band such persons as are described in (e) above, should remain in full band membership as long as the percentage of Indian blood is 12½ per cent or more." I take it from that that you think an Indian should continue to be an Indian so long as he has 12½ per cent of Indian blood in his veins; is that it?—A. Yes, that is the way we look at it. I may say the reason we look at it that way is this: supposing, you take—there are some reserves where boys marry white girls outside, and where the girls are marrying boys outside and if our boys keep on marrying the white girls outside for a sufficient number of generations we would have white men in the reserves, wouldn't we?

Q. Yes. A. And if the girls kept marrying men outside and came back and married half-breeds, Indians that didn't belong to the reserve, very shortly the Indians would be outsiders and the white men would be "Indians"; wouldn't it come to that?

Q. Yes. I think that is a very important point, it actually comes down to re-writing the definition of what "Indian" should be in the Indian Act.—A. Yes.

Q. And that is what I wanted to get definitely on the record, your association would define "Indian" as one who has $12\frac{1}{2}$ per cent Indian blood in his veins?—A. Yes.

The CHAIRMAN: How would you define that $12\frac{1}{2}$ per cent?

Mr. CASE: By keeping a record of the type of crosses, the number of marriages there had been outside of the Indian reservation.

By Mr. Harkness:

Q. Then, further to that, would you be in favour of having removed from under the Indian Act, or from Indian status, persons of less than $12\frac{1}{2}$ per cent even though they had been brought up on the reserve and so forth?—A. Yes. They would be truly Indians all right even though they became full-blooded white people; but what about the ones who kept on marrying outside and finally became almost full-blooded Indians?

Q. Yes. Well, my question is, you would be in favour of individuals being expelled from treaty rights, those persons who had less than $12\frac{1}{2}$ per cent of Indian blood?—A. If they want to, yes.

Mr. HARKNESS: I think that is all I have.

The CHAIRMAN: Mr. Reid.

By Mr. Reid:

Q. I want to ask you a follow-up question, if there are any Indians on the reserve who have or are reckoned to have only $12\frac{1}{2}$ per cent or less at the present time?—A. No, not yet; not on our reserve up in the north.

(Discussion as to procedure continued off the record.)

The CHAIRMAN: Gentlemen, if you will refer to the memorandum on "Indian status and eligibility for band membership", at page 4, it might be helpful. This gives a definition of an Indian. Then, gentlemen, is it your pleasure that we adopt the suggestion of having each subject dealt with completely while it is before the committee; shall we have each subject dealt with fully at one time?

Mr. REID: How are you going to know what each specific subject is before the committee? For instance, I may want to ask some questions after questions have been asked by all the other members.

Mr. CASE: I think, Mr. Chairman, the suggestion is a good one that we exhaust one subject while it is before the committee, and that in doing so we employ your suggestion of proceeding clockwise around the table.

The CHAIRMAN: Is that agreeable?

Agreed.

Mr. REID: While we are still on the subject then, I do not know whether the witness can elaborate any further or not; but my reason for asking it is—if an Indian marries a white woman, or I suppose you could have it both ways, say an Indian woman marries a white man—why differentiate here? You take a white man who marries an Indian and we are told that she is nothing else but white? Would you agree to that? It is a most important question.

The CHAIRMAN: Would you answer that, Mr. Laurie?

Mr. LAURIE: In the summary following our submission, it will be page 67—

The CHAIRMAN: It is an unnumbered page, but it would have been page 67 had the page numbers been continued in sequence.

Mr. LAURIE: If you will refer to 2(c), we have been talking about 2(f).

The CHAIRMAN: Does that answer your question, Mr. Reid?

Mr. REID: No. My question is rather involved. You see that takes the case where the husband died and the woman wanted to return to the reserve.

Mr. LAURIE: That is 2(c), sir.

2(c). Subject to the approval of the band concerned, all minor children of an Indian woman who marries outside her reserve, loses her first husband and returns to her first reserve and remarries a treaty Indian should be received into band with all treaty privileges. Children of widows described herein or full orphans should be given treaty rights.

An Indian woman in the province of Alberta who marries outside of her band and is widowed, or orphaned, deserted, has no where to go whatever. She is not a white woman; at least she is not accepted on a par with other white women in so-called civilization. When can she go to? The natural place for her to go is to return to her reserve with her children, where people speak her language and where she has relatives and friends. Being, if I may say so, a legal white woman by virtue of her marriage, she is therefore a trespasser on the reserve; her children have no rights as Indians; they cannot attend the Indian school and white schools are often much too far away or too crowded in our province for these children to have any school. They are not entitled to any medical attention except by charity of the officials concerned. Suppose then this woman with her orphaned children marries a treaty Indian as a second marriage; as we understand it she then again becomes an Indian in the full meaning of the Act. But her first family, her family by her first husband, are not Indians they are trespassers on the reserve. They cannot go to the Indian school. Suppose they remain on the reserve until they become of age. They are in no way fitted to go out and make their livelihood among white people.

Mr. REID: May I ask this question: What is the Indian viewpoint with regard to these marriages? For instance, an Indian marries a white woman, and quite often the reverse occurs; in our province we say that when a man marries an Indian woman the children from that marriage are white and we recognize them as such all down the line. On the other hand, if an Indian marries a white woman we say the children are Indian. Now, what I would like to do would be to get your viewpoint as an Indian, to get the Indian viewpoint on these two types of marriage, because there seems to be some conflict there, you see. From what you have said there seems to be a direct conflict of opinion. You would appear to consider children from both sides of a marriage as being Indians. It was with a view to getting your opinion on the matter that I asked this question.

Mr. LAURIE: Sir, as far as the Indian Association of Alberta is concerned there is no question about accepting children as Indians. When treaty Indians marry outside the reserve, they continue to be and are regarded as Indians. The point which we wished to cover was the case of the orphans. We are willing, the association is willing, that the Indian woman who marries outside—

Hon. Mr. JOHNSTON: Marries a white man?

Mr. LAURIE: Yes a white man, and the marriage is successful, the parents remain alive and are able to bring up their children as members of their father's race. The Indians of Alberta are quite willing that these people should remain white people, that they should remain members of the father's race. Does that answer your question?

Mr. REID: The 12½ per cent that has been mentioned, can you state a case where they have brought it down to 12½ per cent?

Mr. LAURIE: I am not sure I know of a case at the moment sir, but the assimilation is becoming more prevalent throughout the country.

Mr. REID: This may be a matter the committee may desire to know. The percentage as mentioned, how do you arrive at that, is it in the third generation that you arrive at the 12½ per cent, that is if they marry out all the time.

Mr. LAURIE: That is right, let me give you an instance, a treaty Indian marries outside, a white woman.

Mr. REID: That is fifty-fifty.

Mr. LAURIE: Yes. Their son, who by virtue of the Indian Act is a treaty Indian, does the same thing and the grandson does the same thing. That reduces it to one great-grand parent who was a full treaty Indian in one sense. Those people, if they so wish are to be allowed to remain Indians.

Mr. CASE: But after the third generation you do not want them to remain Indians.

The WITNESS: We do not consider them as Indians after the third generation.

Mr. CASE: May I ask this question, do you find any tendency of Indians to live with white people, and vice versa, without marrying, for fear of losing their Indian rights?

Mr. LAURIE: Would you repeat the question?

Mr. CASE: It was brought to my attention in one of the reserves in Ontario that they do live together as man and wife, having children without marrying for fear of losing their Indian rights and to protect the offspring. Do you find any evidence of that in Alberta?

Mr. LICKERS: How do you mean, a man or a woman, there is quite a distinction?

Mr. CASE: Both ways, either way.

Mr. LAURIE: I believe there have been cases, yes, of such things.

Mr. CASE: I made quite a note of that in my brief because of the fact they said they were living in sin for fear of losing their Indian rights.

Mr. LAURIE: That is right.

The CHAIRMAN: Are there any other questions as to the point under discussion regarding the 12½ per cent of Indian blood—going around the table?

Hon. Mr. STIRLING: Did we understand from the witness Indians of whom he speaks would receive into the band children of such a marriage as has been spoken of?

Mr. LAURIE: Section C, as defined in 2c on band membership, yes, if the band is willing to do so, that this provides those children with the rights.

Hon. Mr. STIRLING: Even though they are white children by law.

Mr. LICKERS: Now in that connection would you not agree to a redefining of this 12½ per cent? I am thinking of a case where an Indian marries a white woman, they have a daughter, half white, according to the percentage of blood, and then that daughter marries a white man and has offspring, would not that cut out those children on your 12½ per cent basis?

Mr. HARKNESS: The children would be 25 per cent.

Mr. LAURIE: Mr. Lickers, you have complicated the case.

Mr. LICKERS: Yes, but would you go on the basis, regardless of the blood count or percentage, that once a person is on the list or is a member of the band that you then assume for the purpose of working this out, that they are 100 per cent Indian blood.

The CHAIRMAN: Would you care to answer that, Mr. Laurie?

Mr. LAURIE: I am trying to analyze the question.

Mr. CASE: Could it not be solved by dealing with it on a generation basis?

Mr. LICKERS: Yes, dealing with the matter on a generation basis rather than on a percentage of blood.

The CHAIRMAN: Would you like to give that some further consideration, Mr. Laurie?

Mr. LAURIE: Yes.

Mr. CASE: Suppose you said any person of the fourth generation should not be an Indian within the meaning of the Indian Act.

Mr. LAURIE: The fourth generation.

Mr. CASE: Because the fourth generation gives you less than 12½ per cent.

Mr. LAURIE: You have it again, because the Act reads as between male and female.

Mr. CHARLTON: Supposing the third child marries back to a full-blooded Indian then what happens?

Mr. CASE: They are beginning to correct the bloodstream.

Mr. LICKERS: Your whole submission there in connection with band membership is merely an idea or at least some provision under which Indians, or persons of Indian blood, may become members of the band.

The CHAIRMAN: Would you repeat that?

Mr. LICKERS: Your whole submission, as far as band membership is concerned, is only trying to evolve some method by which persons of Indian blood may become members of a particular band.

Mr. LAURIE: You mean sir, that at the present moment they are not.

Mr. LICKERS: Yes, and there is no provision in the Indian Act for them to become members.

Mr. LAURIE: If the case falls in section 2c, yes.

Mr. LICKERS: So it is a question of evolving some method by which persons of Indian blood may become members of an Indian band.

Mr. LAURIE: Your question is too general. If you will notice under 2(h), we are endeavouring to provide against an influx of people into the treaty, who are not at the present moment, and have not been regarded as treaty Indians.

Mr. LICKERS: Would you limit that to persons whose ancestors were at some time members of a particular band.

Mr. LAURIE: Not unless they come under 2c or 2b.

Mr. LICKERS: Yes, provided they fulfil their qualifications, some ancestors of theirs must have belonged in a particular band before they could come into the band.

Mr. LAURIE: Not quite right, Mr. Lickers.

Mr. LICKERS: Would you limit it to that.

Mr. LAURIE: Supposing there are two or three generations, out of a band, those people should not come back.

Mr. CHARLTON: Just one more question regarding treaty Indians, what percentage of the Indians in Alberta are not treaty Indians?

Mr. LAURIE: They are all treaty Indians otherwise they are white men.

Mr. CHARLTON: As I understand it there are some Indians in Canada who are not treaty Indians.

Mr. HOEY: Not in Alberta.

Mr. CHARLTON: Well, the witness has just said unless a man is a treaty Indian he is a white man.

Mr. HOEY: In Alberta, yes.

Mr. CHARLTON: Is that true across Canada?

Mr. HOEY: No, that is quite involved; in the east certain territories have not got treaties, but in Alberta they are either treaty Indians or white citizens. We have a small group at Rocky Mountain House, Mr. Laurie may know of them, they have refused to come into treaty. We have done everything humanly possible, I think I am safe in making that statement, to persuade them to come in. They have not come in at this stage, but they are a very exceptional group, and my assertion that all Indians in Alberta are treaty Indians would have to be modified to that extent.

Mr. CHARLTON: Yes, Mr. Chairman, well under 2 (g), "all expelled persons in Hobbema and Drift Pile agencies should be restored to treaty rights immediately"—now what does that mean?

Mr. HOEY: Well, if you want to go into that I think you would have to have Mr. McCrimmon, an official of the department, to explain that because I would not attempt it. It is a very involved question. As a result of investigations we decided they were not Indians within the provisions of the Act.

Mr. CASE: Of course, they have had reason to put it in their brief and your desire is to have them reinstated immediately according to 2 (g).

Mr. HARKNESS: Mr. Chairman this brings up the matter of the Macdonald report which deals with the very matter and I have not had time to study this report. I have looked it over just very roughly and I would ask the witness one question in connection with it, I do not know whether he has read it or seen it—have you people seen this Macdonald report?

Mr. LAURIE: It was not handed to us yesterday.

Mr. HARKNESS: Well I cannot ask you to answer on it.

Mr. FARQUHAR: I would like to ask a question under 2c, according to the treaty rights referred to here or the treaty privilege to be subject to the approval of the band, what do they give for their reason for that? Supposing that the band would not give their approval, would they be denied those treaty rights?

Mr. LAURIE: Yes, because it becomes then a matter of sharing in the band assets and we believe the band should have the right to define who should share in its assets or not.

Mr. FARQUHAR: Do you think that would be fair to an Indian coming back into the band, where through some personal feeling in the band they would not allow him treaty privileges.

Mr. LAURIE: I believe among the Indian people that would not arise, they are very charitably minded.

The CHAIRMAN: Now could we go along with the next question of Mr. Reid?

Hon. Mr. JOHNSTON: The point raised by Mr. Farquhar, would that not lead to confusion, if it is left to the discretion of the band. One band might say, "All right we will admit these people", and a reserve a few miles away might take a different view. And in the last line of section 2—with all treaty privileges—"the children of widows described herein or orphans should be given full treaty right". I at least think the word "should" should be "shall" or you are going to have trouble.

Mr. REID: I think the matter is very serious because I can visualize some Indian being voted upon and not being permitted to enter the band, then whose responsibility is it? Is the government going to say, "Well the band expelled you and we cannot recognize you as an Indian if the enfranchisement is not accepted." I think the matter is extremely important.

The CHAIRMAN: That would be a matter which would be considered under the Act. What we are trying to get at now is the viewpoint of the witnesses.

Mr. FARQUHAR: I just wanted their explanation.

Mr. LICKERS: If you take into consideration the question of the disenfranchised Indian who has become enfranchised, and has taken out his band funds and then say in ten or fifteen years after that by having a change of heart he wanted to be taken back in by repaying his money.

Mr. LAURIE: Yes, the question came up in one instance that I have knowledge of and he is still outside.

Mr. LICKERS: What is your association's attitude with regard to letting him come back?

Mr. LAURIE: We have not discussed that point in the association since we know of only one instance.

The CHAIRMAN: Mr. Reid, do you care to proceed with your question?

Mr. REID: Yes, on page 202, I am rather interested in the statement that has to do with this point. It reads that "We could not understand that some might be expelled from the band by anybody else than by the Indian authorities of the band". I take it that is the very question you have been dealing with a moment ago and I was going to ask, and I am not asking that for any other purpose but this point of education, I would like to ask Chief Teddy Yellowfly who said that in Alberta—

The CHAIRMAN: Could we not have him up here.

Mr. REID: I thought you would have all the witnesses here together.

The CHAIRMAN: I am trying to devise some scheme whereby you can ask them questions at any time. But are there any questions you would like to ask this witness, Mr. Reid?

Mr. REID: He did not make the statement but perhaps he may be able to answer, it was something new, I never had heard it before, at least I had heard of it but it did not come into our deliberations and that was, when he was speaking about schools, the religious schools and religious structures he made the statement the Indians were not considered because they had a religion of their own.

Mr. CASE: I think Teddy Yellowfly said that.

Mr. REID: Perhaps we could have that statement from him.

The CHAIRMAN: I think this enfranchisement question, on page 2 of the summary, it says "Voluntary enfranchisement should not be fostered or encouraged by the department". And then it says "Involuntary enfranchisement must be abolished forever". Do you mean by that an individual who wishes to become enfranchised should not be allowed to do so?

Mr. LAURIE: No sir, that pressure should not be brought upon any individual to become enfranchised simply because he may happen to have other reasons.

The CHAIRMAN: Would you not think it wise to remove that line?

Mr. LAURIE: No, sir.

The CHAIRMAN: What reason is there for having it in there?

Mr. LAURIE: "Involuntary enfranchisement."

The CHAIRMAN: Oh, I see.

Mr. CHARLTON: Then in part 5, section 5, on page 2 "Our treaty Indians do not want to vote or to have the vote forced upon them. It is regarded as a trap to lead treaty Indians astray", and I wondered if you would explain that.

Mr. LAURIE: There has been an agitation, Mr. Chairman, through the press and other organizations, who have spoken to the press, or I believe made suggestions to this committee, that the Indians should be given the vote. As far as the members of the Indian Association of Alberta are concerned this sums up their statement.

Mr. CHARLTON: Would that be against the person who wanted to vote and be given the privilege?

Mr. LAURIE: He would then become enfranchised.

Mr. CHARLTON: Automatically? Whether he was a returned man or not?

Mr. LAURIE: No, a returned man comes under a special regulation. We are content to leave the returned men as they stand at the present, sir.

Mr. LICKERS: In other words, you do not differentiate between the right to vote and enfranchisement?

Mr. LAURIE: Our people do not.

Mr. LICKERS: But if it was properly explained to them do you not think they would differentiate between the two?

Mr. LAURIE: I doubt it, sir.

Mr. CASE: I am not too clear about this. It says here: "It is regarded as a trap to lead the treaty Indians astray."

Mr. LAURIE: The members of the association felt that if the right to vote were given them that it would not be long until reserves were gone and so on, and our people in Alberta are not going to be ready for that for many years to come, if ever.

Mr. CASTLEDEN: What is the cause of that belief? What do you think makes the Indian feel that if he is given the franchise his treaty rights will be taken from him?

Mr. LAURIE: May I ask if Mr. Castleden is asking my personal opinion or the opinion of the association?

Mr. CASTLEDEN: You are the secretary of the association; I would like your personal opinion.

Mr. LAURIE: My personal opinion. Might I give that off the record?

The CHAIRMAN: Yes.

—(Statement made by Mr. Laurie off the record.)

Hon. Mr. STIRLING: Have you had instances of returned men going back to the reserve and then desiring enfranchisement?

The WITNESS: We have one who has been admitted, a halfbreed who has been admitted. He went overseas and now since he went overseas he wants to withdraw from treaty, and this man is asking too much to withdraw from treaty and we do not feel like allowing him what he asks for. We feel he asks too much as a half-breed. Then there is another one who has asked to withdraw from treaty, but he was better than a treaty Indian and he is a returned man. We have not decided yet just what we could do about that, but I think he has full right to enfranchise when he wants to enfranchise according to our statement in our brief. It depends how much he wants of the band property.

The CHAIRMAN: Shall we call the next witness—Chief Yellowfly?

Hon. Mr. STIRLING: I do not quite follow the method we have adopted. We appear to have taken up certain subjects—

The CHAIRMAN: If there is any other question you would like to ask the witness, go ahead.

Hon. Mr. STIRLING: There is a question I would like to ask, but I am not too sure that it was this witness who referred to the matter or someone else.

The CHAIRMAN: If we were to get all the witnesses up at the table it might be better.

Mr. CASE: Chief Callihoo is representing the association, and I move that we have Chief Teddy Yellowfly along with this witness.

Mr. REID: May I ask Mr. Laurie one question? He stated in answer to Mr. Castleden's question that he could not visualize the time when the Indians would be ready for enfranchisement; he said perhaps never. My question to him is this: I am not sure whether he knows about the Indian tribe of the Metlakatlas—perhaps he does: Now, in your view, are the Indians of Alberta so far behind them?

Mr. LAURIE: Yes.

Mr. REID: You think the same thing could not be done for the Indian in Alberta that has been accomplished on the west coast of British Columbia and Alaska?

Mr. LAURIE: May I ask the gentleman a question, sir?

The CHAIRMAN: Yes.

Mr. LAURIE: Are you referring, sir, to that section of the tribe which, I believe, are now settled in the United States territory?

Mr. REID: And to the Canadian tribe on this side near Prince Rupert—

Mr. LAURIE: I have never seen the Canadian tribe on this side.

Mr. REID:—who, as a body, asked for enfranchisement for many long years and have been refused as a group—I was astounded at your statement that you cannot visualize—

Mr. LAURIE: Not under present conditions.

Mr. REID: You did not say that; you said you could not visualize. I thought it was a terrible statement that in the life of mankind you could never see any change in the Indian who would always have to be on the reserve and would have to be looked after. That, I think, is a serious statement. I think it is a reflection. I can see Indians like the Metlakatla band and other bands—

Mr. CASE: Are you going to criticize his answers?

Mr. REID: No, I ask a question in the light of what he said, a very proper question. My question—and I repeat it—is this: Are the Indians in Alberta down the social scale or mental scale or any other scale lower than the Indians in any other place that have reached the heights?

The CHAIRMAN: I think Mr. Laurie probably has answered as far as he can for his association.

Mr. BLACKMORE: May I suggest as one coming from Alberta that a good deal of the background of Mr. Laurie's answer would derive from the economic conditions which might obtain within the Dominion of Canada within the coming few years. If unemployment develops as it has been doing during the last half century it may be necessary for most of us to become Indians to protect ourselves.

Mr. CASTLEDEN: May I ask this question? Do you think the Indian association would object very strenuously to being taken on as probationary citizens somewhat similar to what happened in the United States if they were guaranteed full rights as under the treaty?

Mr. LAURIE: That I could not answer; we would have to take that back to the organization.

The CHAIRMAN: Now, gentlemen, if it is your pleasure we will call upon Chief Teddy Yellowfly.

Chief Teddy Yellowfly, recalled:

By Mr. Harkness:

Q. You made a statement yesterday in regard to the price of beef which is sold to the Indian department and then used on behalf of the Indians for rations.

Is there any other place where that occurs outside of your own reserve—the Blackfoot reserve?—A. That I am not prepared to answer because I do not know; but this I do know of.

By Mr. Bryce:

Q. In that beef price who gets the hide and the offal?—A. The band, I would say, gets the hide. It is not paid for. It is as I mentioned—it is on a dressed meat basis.

Q. You said that you got 13 cents?—A. That is, I would say, for the carcass.

Q. Was that on the hoof that you got the 13 cents?—A. Just meat, the finished product.

Q. And the head and the other things?—A. They are not paid for.

The CHAIRMAN: Who gets them? Where do they go?

Mr. BRYCE: Where does that go? That is valuable.

Mr. HARKNESS: In order to clear up the whole point there, I wonder if we could ask Mr. Gooderham, the inspector for Alberta, what he can tell us with regard to the important matter introduced in Mr. Bryce's question.

Mr. GOODERHAM: The Blackfoot band are different from any other band in Canada as far as I am aware. They are self-supporting in that they use their band funds. Chief Yellowfly and the other councillors sit in the council meeting and they have before them the revenue that they are going to expend during the year, every day's revenue, the different services that are supplied to that band. Among them is the rationing agreement that those Indians made with the Crown when they surrendered land so that they would get a pound of beef and a pound of flour and what not every day as long as the river ran and the sun shone. Every council of the reserve, every member of the band while this council was sitting there had to decide how to distribute this revenue. It comes up at a time like this when the price of beef and other supplies for rationing are very high. It was to be decided what they could pay themselves, the individual owner, for the beef which they in turn eat, and still look after the other services. In almost every instance the animal that that individual owns has at one time or another come into his possession through the assistance of the government. In some instances the Indian has some animals that he has bought from his own personal funds that he has created from his work. They get down to the point of what they are going to pay. Everybody agrees that 13 cents a pound for the past fiscal year was a good price and still get the meat to eat. They agree on that so they will have money to go on to other services. That was the situation as it then existed, and the meat is purchased in the carcass at the ration house. The Indians participate in everything. They participate in that hide at the time of the slaughtering. The slaughtering is done by the Indians. The workers and the helpers get the offal in many cases for their labour. The hide is set aside and sold on their behalf and goes into their operation expense account and so forth and so on. But as Mr. Yellowfly was trying to explain, there are discrepancies occasionally which arise where a man will have to sell with the majority at a little less price than he individually would like to do. That is, apparently, an internal matter which we are correcting at the present moment. I do not know whether I have made myself clear.

Mr. HARKNESS: That only applies to the one reserve?

Mr. GOODERHAM: As far as I know it applies to this reserve only. There was a time many years gone by when we did not market cattle in western Canada off the reserves. That was in the lifetime of a number of us who have been there. The cattle were purchased for the use of the Indian and at that time there was an arbitrary price set to the Indian for his beef. Sometimes it was in excess of the market price, likely; and at other times it was slightly

lower. During the two war years prices were enhanced tremendously and in the interim the open market became the regular thing. The Blood Indians, for example, sold \$100,000 worth of beef cattle last fall and in the open market they got as high as \$12.95 a hundred on the hoof, which I think was the top price given for that quantity of steer. —nearly 400. And that process has been working throughout, giving the Indian every opportunity to get the highest possible price for his finished product. That has been in progress now for twenty years.

Mr. FARQUHAR: Those lower prices only refer to what has been consumed?

Mr. GOODERHAM: Consumed. Today there is no movement on foot to try to compel them to do so. The best market is the market they sell in. In fact, in many instances the department go out and buy the cheaper lines of beef to feed the people and leave the individual Indian to sell his cattle on the higher market.

Mr. REID: May I ask if that pound of beef is for every man, woman and child on the reserve?

Mr. GOODERHAM: Yes, sir, that was their agreement. They pay for it themselves, mind you.

The CHAIRMAN: That is the ration; not exceeding a pound per person. Do many of them consume up to the total of their quota?

Mr. GOODERHAM: Up to the present time and during the war the Blackfeet Indians, as Chief Yellowfly knows, reduced their ration to five pounds weekly. They are getting five pounds per week instead of seven. And that includes all the members of the family who are not attending a residential school.

Mr. REID: How many Indians would participate in the \$100,000 which was obtained last year by the sale of cattle?

Mr. GOODERHAM: That is in the Blood reserve. I imagine there would be about 100 odd, maybe 140 owners in that shipment. The Blood representatives can tell you better than I can. Mr. Gladstone, how many different brands were in that shipment last year—about 150 brands?

Mr. GLADSTONE: I think it would be less than that, a little over 100.

Mr. GOODERHAM: We would say that a hundred different people will participate, some to a greater and some to a lesser extent. I know one man had \$13,000. Was that net?

Mr. GLADSTONE: About \$5,000?

Mr. GOODERHAM: It ran from \$13,000 down to, possibly, about \$100 to the person who had only one animal. So it would be a nice thing. That would represent a hundred Indians and would be a nice thing for that 100 Indians.

The WITNESS: I am not referring to that. I said here, in order to encourage enterprise and self-reliance. Now, in a position such as the one to which you have referred it is admitted that it is of benefit to the tribe. But this is purely a business affair in this sense, in that the Indian is supposed to be a philanthropist, and being a philanthropist he is supposed to contribute to the welfare of the tribe, as you might say. The important point was this, if we are to encourage free enterprise then we must consider everything on a purely business basis, not from a philanthropic point of view. That was the point I raised. That is the point I am now trying to put over.

By Mr. Bryce:

Q. There is one point I would like to get clear, while there are two or three animals killed each week they do not always come from the same person?—A. They do not.

Q. Then everybody takes that loss?—A. Everybody takes that, all the cattle owners but not all the Indians.

Mr. BRYCE: But all the wheat growers take that loss when they sell their wheat for the benefit of the whole of Canada.

Mr. REID: I thought the Indian had no say in what was paid for the animals, that they were taken from the herd, and were paid for and the Indians got the meat.

Mr. BRYCE: They take a loss on price as compared to the outside price.

Mr. REID: There cannot be such a great loss when they are getting the meat themselves and are getting paid for their own work.

The CHAIRMAN: Now, Mr. Harkness, have you any further questions?

By Mr. Harkness:

Q. Yes, I have a question which is something along the same subject Mr. Reid brought up a few minutes ago in regard to Chief Yellowfly's statement that a certain number of Indians still hold to their native religion, and I would like to ask him what proportion of the Indians so far as he is acquainted with them still hold to their native religion and possibly only profess Christian religion for the purpose of getting their children into the schools, or something along that line. Would you care to make a statement on that?—A. In reply to that I would prefer to confine myself to the brief. I would say that a large number of them, and here I confine myself to the statement in the brief, but I do believe that a large number of them sincerely believe in their own religion. That is manifested in the fact that we have laymen Indians very high up in church circles; well, they will turn right around and join their own societies, the highest societies we have in Indian religion. And I might mention that the ideologies followed by some of our societies are exactly the same as are involved in Christianity.

The CHAIRMAN: If I might refer members of the committee to page 9 of the Minutes and Proceedings of last year, 1946, you will see that in Alberta there are 72 persons who according to the census follow their own native religion.

By Mr. Harkness:

Q. What would be your comment on that?—A. I would say that is rather formal, because in order to get my children to school I would have to profess some type of Christian religion. Our belief is that it is based really on how many you baptize. I have known of ministers and priests waiting at the hospital to grab the Indian babies, each denomination grabbing an Indian. I would say that was the result of proselytizing.

Q. Well, the reason I asked this is because I think it brings up a rather important point which has come to my attention, and one which I thought I should bring to the attention of the committee. As far as I remember it, according to the way in which the Indian Act reads education is provided by the churches and therefore the Indian is really deprived of a free choice of his religion and in order to get his child educated has to pick one of the religions which operate a school on the reserves.—A. Might I correct that, sir? They pick up a veneer.

The CHAIRMAN: A veneer of religion. Would you care to say anything further on that?

By Mr. Harkness:

I might say, Mr. Chairman, that I had a private conversation with Chief Yellowfly yesterday following our meeting and he went into this at some length, and that is one of the considerations which he brought forward at that time, and that was one of the points brought up at that time. He could probably put it in much better form, but I thought it was something which I should bring

up at this time and that is why I have asked these questions.—A. I would say this, that the object here is to educate the Indians. Well, probably religion might be considered a part of that education, but it should not be the governing factor. Well, it is probably an essential part of the education of the Indian, and it really boils down to this, that you have to find out whether you are going to be a Protestant or Roman Catholic in order to be educated. In fact, that is what the Indian Act says, that is the way we understand the Indian Act; before you could even think of getting your children educated, you first have to decide whether you are going to be Protestant or Roman Catholic; so it almost seems that education was a minor consideration.

Q. Have you any knowledge of what has been done in the United States with the Indians there?—A. In the United States they have some residential schools where proselytizing is very great; then you also have schools, state schools I think they are called, where the Indian is admitted purely for educational purposes and religion has nothing to do with it.

By Mr. Castleden:

Q. Those are what they call "state" schools?—A. They are state schools.

Q. And they are not denominational?—A. When I go down there say to the Blackfoot reserve down in Montana, that is the way they carried on. That is where I got this suggestion, where the schools are operated by, I think it is the federal rather than the state government. It is a federal proposition and they do not operate church schools. If they were to operate that type of school over here it probably would be better.

By Mr. Case:

Q. I take it you would personally prefer a public school system?—A. I personally would prefer both, depending on conditions on the reserve.

Q. Then you say here something about residential schools, and church schools, and you believe that there also should be some freedom of choice and that there should be a public school system?—A. Well, there should be freedom of choice in a country which preaches freedom of choice.

Q. Then you think it would be better to provide such schools?—A. Yes, that is on the reserves where it would be feasible and advisable to operate such a school.

Q. There is one thing you said yesterday; you said you were using a borrowed language. I take it from that, recognizing that there are 149,000,000 people speaking English on this continent, you are not advocating that it would be advisable to teach children except for instructional purposes in their native tongue, Cree or whatever it might be?—A. When I made that remark I only did so for purely personal reasons, because I felt I might not be able to express myself adequately; and when I said that, I was speaking not as a matter of opinion but rather as a matter of fact.

Q. You believe that the best education is in the English tongue?—A. In the English tongue; I would say, yes; yes, I do, sir. The Indian language ceased to expand and grow a matter of seventy years ago. For example, here we have the atomic bomb. The Indian is not going to be bothered trying to create a term. He says, "atomic bomb." There is no use bothering trying to create a name because everything seems to be involved in the English term and it is easy to say "atomic bomb". Where you try to create a term in the Indian language, I might create a term and another man might create a term and the result would be that in effect we would have no precise term for it.

Q. May I ask you where you were educated?—A. I prefer not to answer that question, if you don't mind. My presence here is on behalf of those whom I represent, and it would be a violation of a tribal custom if I were to take time

to deal with a purely personal matter. When I went back they would say to me, we sent you down there to talk about us, but you took up our time talking about yourself.

Q. What about enfranchisement? You didn't mention that in your brief?—
I didn't mention it because these other people were dealing with it in the general brief. On that point I would say that the first consideration is the wish of the individual. That, first, is the main consideration, the one right which should be left to the individual. And may I add that this is not a one-way question because it involves not only the Indian going out, but of necessity so involves the Indian coming back in. I would say that membership, that is primarily the issue, should be left to the individual. Then, of course, in the case of pressure we must draw the line as to whom the tribe shall accept; because I read some of the minutes there are members of this committee who would like to become members of the Blackfoot band. We should draw the line as to whom we could admit.

By Mr. Castleden:

Q. Do you feel that the treaties have been honoured as they have been administered under the Indian Act?—A. I would have to answer that both yes and no. I would say that they had been honoured if the making of an attempt to do a certain thing can be called honouring a treaty. It is a difficult question to answer.

Q. What is your opinion about the matter?—A. My own opinion is that they have not been carried out. For instance, we believe that the treaty stipulates that the government must educate the Indians. Now, the government tell us they have given us Indian schools and then they say, yes, we have honoured the treaty; but it still remains the fact that the purpose is not being served.

Q. Is there any respect in which you feel the treaties have not been carried out?—A. There are many. I do not think I should do more at the moment than draw your attention to the matter of education to which I have referred. Well, there have been attempts to carry out the treaty, but they were rather feeble, they did not attain their purpose.

By the Chairman:

Q. You say, Chief, that they provide the schools?—A. They provide the schools.

Q. And the children go?—A. The little children go, yes.

Q. But they do not learn?—A. They do not learn, that is the point; that is why I had to say yes and no. The mere fact that they have put up a school may be construed as having honoured the treaty, but the purposes are not served, the children are not being educated.

Q. Have you ever heard the old proverb, you can drive a horse to water but you can't make him drink?—A. That, of course, is a consideration; but in this case you drive the horse to water which isn't there.

The CHAIRMAN: That depends on what you mean by water.

By Mr. Charlton:

Q. Chief Yellowfly, conditions are not as satisfactory as they might be; is that the reason the water isn't there?—A. I would say in this case, to use an Indian phrase, if you had a teacher who had only one arm he would still be able to do a job. They have teachers there. They have schools, but the only kind of teachers they have are those who are doing missionary work, and that is probably because they are not paid, it is probably because of the wages they get.

By Mr. Castleden:

Q. What are the feelings of the Indians as to injustices; suppose an Indian on a reserve feels that he has not received fair treatment, is there any authority to which he can refer at the present time by way of appeal?—A. None, at the present time. He has to carry the trouble back to the source which created the trouble. The only recourse open to him for obtaining redress is the very source which caused his trouble. There is no other source available to him at the present time that I know of, no higher authority to whom they can take the grievances.

Q. Is it your opinion that the Indian race should be assimilated over a period of years?—A. My opinion is that it is inevitable, in order to exist you will have to assimilate the ways of the white man; and then, as far as the manner of accomplishing that is concerned, you have to accept what you might call the structure of the body politic.

Mr. BLACKMORE: May I suggest, Mr. Castleden, that Chief Yellowfish did not get the meaning of assimilate? Did he understand that it meant intermarriage?

Mr. CASTLEDEN: What I had in mind is something similar to the situation of the Maori in New Zealand who are self-respecting and self-supporting; the same should be worked out for the Indians in Canada, that they should become citizens of Canada; more or less along the line of what has been done in New Zealand.

The WITNESS: In reply to that I would say this, that there would be no difference there because the Maoris were never put in reserves, the white man came in there and just lived among them. Here on this continent there was an agreement with the Indians that they would live on reserves and those reserves were set apart for them; and since the reserves are operated as individual units they had to devise methods under which they could operate.

By Mr. Castleden:

Q. One of the witnesses before this committee suggested a plan of assimilation, and he said that the reserves were one of the things that prevented progress toward proper assimilation.—A. To a certain extent, yes.

Q. Then I take it that it is your opinion that the reserves are a deterrent to the assimilation of the Indian race? Do you not think that assimilation is ultimately desirable?—A. Well, I believe the object is that, yes.

By Mr. Case:

Q. Getting back to this question of treaties, there have been some compensating features; for instance, you receive family allowances?—A. Yes, we receive them.

Q. Do you not think that is a good thing?—A. Yes.

Q. Do you not find that it helps the school attendance?—A. I would not think it helped school attendance, but it is appreciated.

Q. And that, of course, has nothing directly to do with your treaties at all. I am merely trying to point out that there are some compensations which you receive which are not covered by treaty, one respect or two in which treaties have been honoured in their breach?—A. Yes, that is so; that is possibly one particular thing which could be considered as being not related directly to a treaty.

Q. What is your opinion with respect to old age pensions for Indians?—A. The Indians feel that they are essentially an integrated part of Canada so that they should be included in all plans that involve benefits to the individual.

By the Chairman:

Q. What about the payment of taxes?—A. They consider themselves as a unit, a unit set aside by treaties, and from that angle they are alone. I believe that they object to paying taxes because they believe that certain parts of the treaty give them immunity from taxation; and they are like all people, if you can get away without paying taxes you won't pay.

Q. Do you have any form of taxation on your reserve for the upkeep of roads or anything of that character?—A. We do not.

Q. Does that come from band funds?—A. That comes from band funds.

By Hon. Mr. Stirling:

Q. What steps does the witness think would improve self-government and restore confidence on the part of the Indians; would you like to see a wider opportunity for self-government?—A. Well, the immediate result of such improvement would be that it would accelerate everything.

Q. I wonder if the witness would mind elaborating on that a little?—A. I would say this—

Q. I mean, in order to tell us what you have in mind.—A. As I mentioned here, if you had a program and you wanted to put that program into effect this spring and you had to go through this established procedure I would say that it would be probably next December before we could get approval.

Q. Would you carry it to the extent of granting to the bands powers of taxation?—A. Well, that, I would say, would be very much up to the others to form an opinion because I believe the matter of paying taxes has nothing to do with improvement.

Q. I do not mean the dominion or provincial taxes, I mean taxes for the purposes of the bands?—A. Well, as far as that goes I do not know of any taxes we pay, they use them for tribal benefits.

The CHAIRMAN: What Mr. Stirling is saying about that is, do you think the witness would be willing to impose taxes upon themselves for the purposes of their tribal benefits, that is bridges, roads, municipal buildings and so on?

The WITNESS: I believe they would but I do not believe that "tax" is the word, they prefer to use the word "contribute".

By Mr. Castleden:

Q. You have large trust funds?—A. Yes.

Q. You use the money from that trust fund that is paid every year into your band?—A. Yes.

Q. Have you any power of administration over those funds?—A. No, we have not, we can suggest but we have no actual authority.

Q. What are those funds used for in your band, could you enumerate?—A. I would say two or three million dollars is a lot of money when you mention two or three million dollars, but it is the benefit that you get out of that money, that is the thing that should be taken into consideration. Because if you have ten million dollars and you cannot use it you may as well not have the ten million. The point is this, we derive, I would say,—the benefit we get out of that is really the interest we get from that band fund.

Q. That is the interest is what you receive, and how it is expended?—A. It is very hard to say because that interest, together with other sources of income— I would say amounts to approximately in round figures \$150,000 and right off I would say the direct benefits involve about two thirds of that and the other third I would say is for administrative purposes.

Q. They deduct portions of what you receive through interest on trust funds for administrative purposes?—A. For administrative purposes and for carrying out tribal programs, paying salaries, hospital staff and so on.

The CHAIRMAN: You maintain your own hospital?

The WITNESS: We maintain our own hospital?

Mr. CASTLEDEN: And you pay your own officials?

The WITNESS: We pay all our own officials, with the exception of the Indian agent and one clerk or interpreter.

Mr. FARQUHAR: Is any of that money spent for charitable purposes, for the sick and the aged and so on?

The WITNESS: Yes, some of that money is spent for tribal program improvement programs.

Mr. CASE: That is really a system of taxation.

The WITNESS: Yes, but it is really a contribution. The reason I try to distinguish that is because it does not involve the individual.

Mr. CASE: Well, of course, the individual would have received it otherwise.

The WITNESS: Yes, but in plain words he did not have to dig into his own pocket.

Mr. FARQUHAR: I would like to ask this question, I would like to ask you to believe, at the present time, that the old people are receiving the equivalent of the old age pension, it has been stated they are, what would you say?

The WITNESS: Well, I would say that it all depends on just what would be called adequate. I would say at the present time, all things being taken into consideration, they are, but not from the right source. The Indian is really providing those benefits himself. It is up to the Indian himself, whether he believes if it is a federal responsibility it should be a federal responsibility or in this case it is the tribe itself.

Mr. FARQUHAR: You mean at the present time they do provide it themselves?

The CHAIRMAN: Do these old people receive this pound of meat and pound of flour and the other things?

The WITNESS: They receive it on a weekly basis.

The CHAIRMAN: They do get this pound of meat and pound of flour and everything else?

The WITNESS: Yes.

Mr. HARKNESS: Mr. Farquhar, the question does not apply. On Chipewyan Yellowfly's reserve, it is the one reserve in Canada where it does not apply, they have all this food and so on.

The CHAIRMAN: What do you do with the old people in your reserve?

The WITNESS: On ours? On our reserve they get the same ration as the rest, and then clothing is issued and special rations are issued.

The CHAIRMAN: By the—

The WITNESS: Band.

The CHAIRMAN: The band looks after that too?

The WITNESS: Yes, the band looks after that.

By Mr. Bryce:

Q. Chief, you have told us about keeping a hospital, do you supply any money for the upkeep of schools in your reserve?—A. We do contribute.

Q. On a per capita basis?—A. No, no, just a grant.

Q. A Grant?—A. A grant.

Q. How much do you give?—A. For example we contribute \$1,000 for each school for what we call a preventorium.

Q. How many schools are there on your reserve?—A. Two.

Q. That is like \$2,000?—A. I believe that is the amount.

By Mr. Reid:

Q. My question has to do with the question asked by Mr. Case, where he asked if the dependants' allowance had an effect on the school children's attendance. I think you said, chief, you did not think it had, although you were glad to receive it. My question is this, is there any disposition on the part of the fathers and mothers to have the children educated, and if so, why the lack of attendance?—A. There is no lack of attendance as I know it.

Q. Well, the first question is, is there any disposition on the part of the parents, a feeling that the children should receive all the education possible?—A. There is a feeling that they should receive all the education possible, if that is the question.

The CHAIRMAN: Any further questions?

Mr. LICKERS: Yes, I have some questions.

By Mr. Lickers:

Q. Now, I think this is a reserve where we can get the Indian's viewpoint when the question of finance does not come into the picture at all. Has there been any improvement in the housing situation on your reserve in the last five or ten years?—A. Yes, there has.

Q. What about sanitation?—A. Yes, we try to look after that.

Q. And has the standard of living risen appreciably in the last five or ten years?—A. I would say yes.

Q. What program has the council itself taken to give the Indians leadership in say housing, sanitation, and agriculture?—A. Well at the present time I would say they have no program.

Q. The Indians have no program?—A. No program.

Q. And if they were given greater rights in the administration of their own affairs and a greater right in the interest of spending funds, that is trust funds, would they take leadership of their own affairs?—A. I believe they would.

Q. How many members of the council have you there?—A. Fifteen, sixteen.

Q. Sixteen, and what is your population?—A. 1,050 I would say.

Q. 1,050,—have you got enough farm equipment for your whole reserve?—A. No, I do not think so.

Q. You do not think so, and yet there is sufficient money here for the purchase of farm equipment?—A. Yes, there is.

Q. I understand your interest and trust fund is accumulating all the time, getting larger.—A. Yes.

Q. And do you not think some of that money then should be used for the purchase of machinery.—A. Definitely.

Q. Are any of the young chaps from your reserve being given instruction in agriculture or going to agricultural college or anything?—A. Not at the present moment.

Q. Why is that?—A. That, I believe, depends largely on the individual because, since we have the money, if any Indian lad wishes to attend we will make provision for that child to attend.

Q. Are there any Indians now who are getting in a position to attend high school?—A. There are boys attending high school now.

Q. Do any of them have any intention of going on to higher learning, going into professional life, or attending agricultural college?—A. That I do not know, because I have not asked, and it involves me very personally, because my son is going to high school but I have not asked him, I prefer to wait until he finishes.

Mr. HARKNESS: I might say that Chief Yellowfly went to agricultural college himself.

By Mr. Lickers:

Q. Whereabouts do the children go to high school from the reserve?—A. Usually we have been sending them over to the white school.

Q. To the white school, whereabouts is that?—A. In Gleichen.

Q. How far away is that from your reserve?—A. Well, it is right in Gleichen, and Gleichen is on the border, just on the reserve, and headquarters of the reserve.

Q. Do you know how many Indians would be attending high school now?—A. There are only two at the present moment.

Q. Are they all boys?—A. No,—there are four now, two girls and two boys.

Mr. CASTLEDEN: Who pays for that?

The WITNESS: We pay, band funds.

Mr. CASTLEDEN: Band funds.

Mr. BRYCE: Do you have any difficulty getting them into that school?

The WITNESS: Well there was, but I would not say—I might add that I think racial prejudice has nothing to do with it, it is the congested condition at the schools. These white schools are quite prepared to accept Indian children.

Mr. CASE: They get along well with the other children?

The WITNESS: In my case, my son is blending in well with the others, the mere fact that he is an Indian has worn out.

Mr. CASTLEDEN: Do you have to get permission from the agent before you are permitted to send them to high school?

The WITNESS: He has to approve it.

Mr. CASTLEDEN: But the band funds are paying?

The WITNESS: Yes.

Mr. CASTLEDEN: Is that money coming from Ottawa to you?

The WITNESS: It comes from Ottawa to the Indian office.

By Mr. Lickers:

Q. Would you say the standard of living on the reserve is about on the same level as that of the farmers surrounding the reserve?—A. As a whole I would say yes.

Q. Have you electricity there and other modern conveniences?—A. Not in that line, no.

Q. What about wells?—A. Yes, they have wells, yes.

Q. Are there any suggestions you could make which would be of help to this committee which could be done on your reserve say to better conditions if they could be bettered?—A. Well at the present moment if I had any suggestions for this committee—I would not have any suggestions because I believe our reserve should not be taken as a standard case. If I had any suggestions I would not come all the way to Ottawa to make them, I would make them down there and if the council approved we would be able to carry them out. As far as programs are concerned I would make suggestions down there, but what I do believe is this, we should be given authority to carry out those suggestions, but at the present time we merely make them as suggestions.

Q. That is where the frustration lies. In so far as that reserve is concerned, you are not given the authority to carry out your own programs?—A. Yes, and therefore we do not apply for those things, knowing we cannot carry them out.

Q. And if you had the authority you, or the council, would be in a position then to evolve plans whereby they could help themselves?—A. Yes.

Q. And I presume that would be at their own expense?—A. At their own expense at the present time, yes.

The CHAIRMAN: In your brief, Chief, you said at page 205, "in connection with tribal business, here again, Indian service officials are not always entirely free from outside interference when business transactions in tribal affairs are in progress". What do you mean by that?

The WITNESS: I mean just this. For example here on our reserve there seems to be some outside influence that makes suggestions as to what move the officials should take, and while they are merely suggestions it is one of those things that, in effect, really means "this suggestion—or else"!

By Mr. Castleden:

Q. What do you mean by that, could you be more explicit?—A. Well I mean this, they have the local political party, they have their own political system, and if the local political party finds they can get something out of that program they try to steer things their way.

Q. Do you still have to get permission for the sale of your produce?—A. Yes, we still do.

The CHAIRMAN: Permission for what?

By Mr. Castleden:

Q. Permission from the agent before you can sell any produce from the farm, that is true?—A. True.

Q. Is that pretty general across Alberta, Mr. Laurie?

Mr. LAURIE: Oh, yes.

Mr. CASTLEDEN: Generally, all Indians on the agency have to have written permission before they are allowed to sell any produce.

The WITNESS: As far as I know, Mr. Castleden.

Mr. LICKERS: That is true of all the western provinces.

Mr. BLACKMORE: Mr. Chairman, I would like to ask Chief Yellowfly one or two questions to clarify one or two things in my own mind. I would like to return to the question of the beef again, I do not know that I have got the exact picture. Who pays for the beef for the Indians? Now the government agreed under the treaty that the Crown would provide every Indian with a pound of beef and a pound of flour every day so long as the river ran. Who pays for the beef which is provided to the Indians on the Blackfoot reserve?

The WITNESS: Well I would say, practically speaking, the Indians themselves through their band funds.

Mr. BLACKMORE: I gathered that from the evidence that went forward. In other words it would appear that the Crown, in the case of the Blackfoot Indians, has contrived to put the Indians in a position where they do the things which the Crown itself had agreed to do.

Mr. LICKERS: That is incorrect.

Mr. ALLAN: It is not in the treaties, that this pound of beef, etc is contained, it is in the surrender of the lands, when the land was sold. It is in the surrender documents.

Mr. HARKNESS: The reserve was once about twice the size it is now.

Mr. REID: I am not interrupting, but I had the impression when I asked an Indian agent, and I would like to know here, that the pound of beef was supplied by the Indian but the government paid.

Mr. GOODERHAM: By a surrender agreement. The Blackfeet once had a large tract of land, 150,000 acres, and they were asked whether they would sell it, and they said yes, on the following conditions, one of which was in the surrendering of this land for sale by the Crown for their benefit. You see, in

1911, the agreement was, one—that they would get this ration, and two—that they would supply their own people with homes.

Mr. REID: Right there, the government was to supply them with this ration you mean.

Mr. GOODERHAM: Out of their money, out of the return from the sale of their land, the money that was created through the sale of the lands has been used not only to create a band or tribal fund to operate on and to do all the things the Indians have asked, including right from the first the ration as it was mentioned today; and to the supplying of homes and supplying of staff; to assist in the farming and ranching and various other lines of endeavour and to look after the old and sick out of their own funds. As Chief Yellowfly will tell you I was Indian agent on that reserve, and my father was the Indian agent on that reserve prior to my beginning in 1907 and so you see we are very familiar with the changing of the mode of life of this particular band,—the taking of a thousand people in this country and guaranteeing to them food, clothing, and shelter, and an independent life and the opportunity to improve themselves. That has developed through these years until today you have a self-contained organization or society. They have got, possibly, too much money now, and there is a digression, the man is improving fast. Mr. Yellowfly, in his brief yesterday touched on that, I think, when he said the time has come when you have to allow us more chance for independent endeavour to develop ourselves individually so we will, as an individual entity, more readily assimilate with our other peoples.

The Blackfoot band today is possibly, as a whole, better off than his white neighbour. May I digress a moment? You have been talking about band funds and the powers of the Indians themselves. Throughout the province of Alberta nearly every band has a fund. It has been our endeavour within the last year or two to have every council sit at a table and have each councillor know his capital and his revenue, and as he knows his revenue for the year he has been asked to sit down in company with his agent and work out ways and means to spend that money to the best advantage of his people. The delegates here are well aware of that. If they wanted to help their aged in some way by a separate ration or if they wanted to improve their roads or help their young people to become established they have certain funds for certain purposes. Part of the whole problem has been as much as possible to pass on to them in order that they will take the responsibility which we for generations took away from them. They are not going to start in one day or one year or one generation to be able to recover that responsibility which we took away, but we are starting. I must say this on behalf of our branch at Ottawa that invariably the estimated expenditures which the various band councils have submitted for disposal for the coming fiscal year have been approved if the money was available. As the money is approved, the money will come back to a single point—you must have a guiding point, a central office with any organization or any company; even in the case of a bank: therefore, it comes back to the agency office where it is administered on behalf and with the cooperation of the Indians, and these Indians all know it. We are on the right move, we think, which will develop the Indian into a responsible being. As I said, in nearly every instance the department at Ottawa is approving of these statistics coming to the Indian bands. I think that clears up a lot. There is this large fund. The others have not got a big fund, but they are all starting with even a small revenue to distribute it as best they think; and on the advice of the white man the Indian is taking that responsibility. Maybe that advice in some cases is of some value. We hope it is, anyway.

By Mr. Blackmore:

Q. I wonder if Chief Yellowfly would care to comment on that statement?
—A. I would say that is largely true, but the fact still remains that everything

depends on the charity, you might say, of those in authority. That is as far as authority is concerned. That is the policy of the present personnel. It depends on the personnel of the department. As Mr. Gooderham said, if the personnel favours the nature of the policies they are carrying out now, all well and good, but as soon as there is a change in the personnel, the new personnel have the absolute authority of changing everything that the former personnel started. That is the point I wish to raise. Now, we have Mr. Gooderham who was our agent for twenty-five years. Let us say that he started a plan—and he started many plans twenty or twenty-five years ago—but supposing he started a plan—and some of those plans were started in those days—well, let us assume that five or ten years after they were started and a new agent came along and he had opposite views, he had the authority to change the whole thing. That is the point I wish to raise, that it depends on the attitude of the personnel, of the administration, because the law still says he is the dictator. Much depends on the individual official.

By Mr. Castleden:

Q. May I ask this question? Do you find that the bands in Alberta are given statements of the band funds and that they sit around the council table and administer the funds of the band?

Mr. LAURIE: I would prefer if some of the others spoke on that—Mr. Callihoo, for instance.

Mr. CASTLEDEN: Mr. Callihoo, are you given a statement of the band funds every year, and are the bands of the Indian reserves in Alberta asked to sit around the council table and administer those funds?

Mr. CALLIHOO: We have been asking for that for twenty years right up to date and we have not got it. The Indian agent often tells us it is none of our business. That is absolutely true.

Mr. CASTLEDEN: That is a point to be settled.

Mr. GOODERHAM: I think Mr. Callihoo will remember—I am fairly new at this job of inspector in the province of Alberta, but I can go from one end of that row to the other—there is the representative of the Peigans—

Mr. CALLIHOO: He asked me about my reserve.

Mr. GOODERHAM: Did we not discuss that last fall? You have not had your statement yet?

Mr. CALLIHOO: No, nothing at all.

Mr. GOODERHAM: I regret that; but your council supplied some estimates. You remember those resolutions to spend money. I do not think Mr. Callihoo has this matter clearly in his head.

Mr. CALLIHOO: I do not think we got them.

Mr. GOODERHAM: You have, Mr. Crow Eagle?

Mr. CROW EAGLE: No, I do not think so.

Mr. GOODERHAM: I produced them for you last year.

Mr. CROW EAGLE: I have not seen them.

Mr. GOODERHAM: I say, gentlemen, that we have not had it in the past.

The WITNESS: I would say on the Blackfeet reserves we do not get the statement; it is merely made known that there is available an amount of money, but as far as the actual detailed amount is concerned, we do not get that. We are given the information that we have \$150,000, you may say, to work on this year, and that is all the information we get. We do not get a complete statement on our tribal fund here at Ottawa.

Mr. GOODERHAM: On a number of reserves I have had the statement brought up by the agent. You know, the Bloods; were you not present? How about the Bloods? Didn't I present that statement?

Mr. CASTLEDEN: Have you in the Blood reserve ever received the statement?

Mr. BULL SHIELD: It has not been brought to our attention yet.

Mr. CASTLEDEN: Has it ever been done before?

Mr. BULL SHIELD: No.

Mr. GOODERHAM: I think one thing should be explained, and that is that the statement comes at the end of the fiscal year, March 31. The treasury branch have to make up the statement at that time, and those statements will be going out. I do not think a number of them have their statements yet, but they all know that this thing is amalgamated, and it is the desire that they all know their business. I regret that some did not get them. I know they have been sending in resolutions based on what they anticipate, and they are being acted on by our authorities.

Mr. CASTLEDEN: I am glad to hear that.

Mr. GOODERHAM: We want to do that. There is no desire to withhold.

Mr. CASTLEDEN: I do not think there is the desire, but I think that was a matter of policy in the past; it has been the policy in the past.

Mr. ALLAN: There is a misapprehension here that may be detrimental to the purpose you hope to attain. For many years the printed statement of band funds was issued. About ten years ago on a wave of economy the printing of that statement was discontinued, and at the date of its discontinuance the treasury office of the Indian Affairs branch made up mimeographed statements of the band funds across Canada, and my services—sent out the treasury office statements of those band funds for every band in Canada every year to the agent of the agency with instructions that those statements of band funds be placed before every council. Now, it may be that every Indian of the band does not get the statement, but the statement is placed on the table for the band council, and if the Indians want information to-day the Indian agent has the information and it is available at all times. You have seen it before this committee—the actual statement of their revenue and expenditure, showing their balance carried forward from the year before, and the increment of the expenditures during the year. That is in the hands of the Indian agent every year immediately after the term of the fiscal year or as soon after as the treasury officers can get that statement out. Those statements are available. The band councils get them.

Mr. CASTLEDEN: I would like to question that statement, because I have complaints from dozens of Indians in the organizations in my province—as well as the statements from the bands here—that they have asked the agents for this information and it has been denied them. I think the intention is good. I think the operation of the office is good. Maybe the statement does go out. But my information from our Indians and the Indians right here is to the effect that they are not given these statements, and when there is a request they are refused the statement. I will ask a number of those Indians standing by to say whether I am right or not.

Chief YELLOWFLY: There are statements issued, but in nearly all cases they are in reality summaries and they do not go into the details. That is the objection we do have. We do receive a sort of statement but it is rather general and there is no breakdown in the statement. For example, they will merely say that there is so much money used for a certain purpose and so much for another purpose, and sometimes the details are not there which will explain as to how the moneys were expended, or the like.

Mr. BRYCE: As regards this statement that you send out, do you send a statement out for every reserve or is this just a general statement for the Dominion of Canada?

Mr. McCRIMMON: We send to each of the inspectors and to each agency the statement of the band funds of the different bands in that agency, provided they have funds. Over and above that we send a copy to the inspector's office of all the statements of the band funds over which he is the inspector.

Mr. BRYCE: There is no detailed statement for each band?

Mr. McCRIMMON: No, sir, there is not. That would be a big job.

The CHAIRMAN: The statement for some bands is given in appendix "O", for such places as Norway House, St. Peter's. That is a sample.

—The committee adjourned to meet again this afternoon at 4 o'clock.

AFTERNOON SESSION

The committee resumed at 4 o'clock p.m.

The CHAIRMAN: If you will come to order, gentlemen, we will proceed with the examination of the witnesses.

Mr. BRYCE: Mr. Chairman, I want to rise to a point of privilege. The Minutes of Proceedings and Evidence which has come to hand today has a mistake which I would like to correct before it goes any further.

Mr. REID: What date is that?

Mr. BRYCE: It is at page 511, at the 18th line. I am quoted as having said:

The next photograph shows you the No. 1 Homemakers Club. Now, the women of this club raised the money to build these houses without any governmental assistance whatever. This illustrates what they can do when they receive proper encouragement.

What I did say was:

No. 1 Homemakers' Club House at Cross Lake and some of the members. The women of this club raised the money and built this house without any assistance from the government. This, however, shows what they can do when they receive proper encouragement.

I would like to have that correction made.

The CHAIRMAN: I think that is well noted, Mr. Bryce. That was the impression I got from it anyway, that there was just that one house. I appreciate very much having it brought to the attention of the committee and we will have the records changed. By the way, you are going to file those pictures with the committee?

Mr. BRYCE: Yes.

The CHAIRMAN: Because I think they are very valuable for the purposes of the committee.

Shall we proceed with our examination of witnesses? We have Mr. Crow Eagle, and we also have Chief Teddy Yellowfly. If you would like to proceed, Mr. Blackmore, you are the first on the list.

Mr. BLACKMORE: I would like to go a little further into the use of band funds, Mr. Chairman. I was arrested by the remarks of Chief Yellowfly to the effect that although the Indians were given to understand that there was a considerable amount of interest accruing on their large band funds yet the Indians themselves through their council or through any individual effort they could make had no way of getting any kind of effective control over the use of that money.

Chief Teddy Yellowfly, recalled:

The WITNESS: That is right.

Mr. BLACKMORE: That seems to be a matter which I thought was rather extraordinary and pretty difficult to defend. Then the question arose whether the council generally was able to learn what the band fund was.

The CHAIRMAN: Mr. Blackmore, you have made a statement.

Mr. BLACKMORE: I want to ask a question based on that statement.

The CHAIRMAN: Oh, I see. You will also permit the departmental officers to reply?

Mr. BLACKMORE: Oh yes. I want to get the facts concerning the matter, and I just want to give a summary which you would have had to give in order to get continuity if I had not given it. Now, Chief Yellowfly has said that in his experience that is correct; the chief and the council of the band are not able to get any kind of control over the money which was supposed to be theirs. Now, the next question that arose was whether they have been able to learn about the band funds; how big they were; how much the interest paid on it was; what use was made of the band fund profit. I would like to probe into that just a little. With your permission I would like to ask any of the Indians here who have had experience on band councils either as chiefs or as members of council; I would like to find out what their experience has been over say the last twenty years in respect to getting details concerning band funds.

The CHAIRMAN: Would you like to answer that, Chief Yellowfly or Chief Crow Eagle?

Mr. BLACKMORE: I would like to ask each chief that question.

The CHAIRMAN: All right, we will start here then.

Mr. BLACKMORE: That is all right.

The CHAIRMAN: Would you like to answer that.

The WITNESS: I will answer that in this manner, that the councils suggest these programs. They must have the approval of the department at Ottawa before the money can be used for that program.

Mr. BLACKMORE: Then, the next question is, suppose—

The CHAIRMAN: Now; let me get this. I thought you wanted to ask each one of these chiefs the same question.

Mr. BLACKMORE: I would like to ask him one or two more. We want to know the key facts and the department wants to know the facts, and the Indians want to know them. And, in all this, I am not casting any reflection or implying any reflection on the department.

The CHAIRMAN: My purpose is to try to get through this by six o'clock.

Mr. BLACKMORE: I understand that. This is a very vital matter and I wanted to get it. Then, when the band council comes back together say after a year they want to find out how the money has been spent; whether it has been spent as it is suggested it should have been; or the details of where the money went; and what success have they had in obtaining these details from the agent?

The WITNESS: It depends on the nature of the program. If it is a local thing we generally receive details when they become available. If the matter is one involving the offices here in Ottawa, sometimes we do not get to know what is involved, sometimes we are never able to get the details.

Mr. BLACKMORE: Now, if the same question will be answered by each of the other chiefs it will be valuable, I believe.

The CHAIRMAN: Do you want to answer that, Mr. Crow Eagle?

Mr. CROW EAGLE: I would like to deal with the questions in a simple way.

Mr. BLACKMORE: I will ask the question simply.

The CHAIRMAN: All right.

Mr. BLACKMORE: Were you a chief; how long were you a chief on your reserve?

Mr. CROW EAGLE: I am not a chief, sir.

Mr. BLACKMORE: Have you ever been a chief?

Mr. CROW EAGLE: No, sir.

Mr. BLACKMORE: Were you on the council of your band?

Mr. CROW EAGLE: No, sir.

Mr. BLACKMORE: Well, then, we want someone who has had that experience.

The CHAIRMAN: Do you want to ask all these others here, and let Mr. Laurie answer for the general fact? It is going to take a long time otherwise.

Mr. LAURIE: I do not think I would be qualified. Possibly you might ask Chief Bull Shield.

Mr. BLACKMORE: Chief Bull Shield, I want to find out what your band fund was; what money you had coming in the way of interest on the band fund; what it earned; and what way you found out about it?

The CHAIRMAN: Just a little louder, please. The reporter cannot hear when you turn your back. Mr. Gooderham has made it clear that they are going to get it from now on at the end of the fiscal year.

Mr. CASTLEDEN: Yes, from now on.

The CHAIRMAN: Mr. Gooderham, have they ever received that in the past?

Mr. GOODERHAM: Sir, the session I had with their council was not so very long ago, within the last fiscal year. I had the acting agent produce a statement for the previous fiscal year and I explained it to them as best I could, as to the capital amounts on the statement, as to the summary of revenue, and as to the amounts that have been charged against the fund during that previous fiscal year; and I told them that there would be statements similar to that at the end of this fiscal year showing what the capital would be, showing also the revenue and the expenditures in the last year.

The CHAIRMAN: Then the answer is, yes?

Mr. GOODERHAM: Yes.

Mr. BLACKMORE: How long have you been on the band council?

Chief BULL SHIELD: Not very long.

Mr. BLACKMORE: How long, two years or so?

Chief BULL SHIELD: Two years.

Mr. BLACKMORE: Do you know what other chiefs have found in times past, have they told you that they knew about the band fund?

Chief BULL SHIELD: No, sir. -

Mr. BLACKMORE: Do you know what the interest was on it?

Chief BULL SHIELD: No, sir.

Mr. BLACKMORE: You never could get that?

Chief BULL SHIELD: No.

Mr. BLACKMORE: I think that is sufficient on that. Now, Mr. Callihoo, I want to ask you the same question as the others; first, were you either the chief of a band or whether you are on a band council.

The CHAIRMAN: Wasn't that answered this morning?

Mr. BLACKMORE: I do not think it was answered this morning?

The CHAIRMAN: It was, wasn't it, Mr. Laurie?

Mr. LAURIE: I think so, Mr. Chairman.

Mr. CALLIHOO: I was never a chief or a councillor until I was appointed to the council of the Indian Association of Alberta.

The CHAIRMAN: That is separate and apart from an Indian band council, is it not?

Mr. CALLIHOO: It is separate from the local band council.

Mr. CASE: How many present are chiefs?

The CHAIRMAN: Will those of you who are chiefs please raise your hand. Four.

Mr. BLACKMORE: One more question, Mr. Callihoo, before you sit down; you have talked with chiefs, Mr. Callihoo, who were on councils; have you learned from them whether they could get details of their band funds or whether they could not?

Mr. CALLIHOO: Yes, I have spoken with quite a few of them and they always said that they could not.

Mr. BLACKMORE: What happened when they asked questions trying to get facts?

The CHAIRMAN: Just a minute, Mr. Blackmore. I do not think it is a matter of legal procedure that you should try to get indirectly what cannot be obtained by way of direct evidence; in other words, whatever Mr. Callihoo would be able to tell you would be purely hearsay.

Mr. CALLIHOO: As I told you this morning, while I have been there we have never received statements of this kind. I wrote to some of the officers at Ottawa and told them that we were having difficulty in getting these statements.

Mr. BLACKMORE: May we turn to another chief.

Chief CROWCHILD: I have been a chief for two months.

Mr. BLACKMORE: Were you on the council before you were a chief?

Chief CROWCHILD: I was.

Mr. BLACKMORE: Were you ever able to get the facts about your band funds?

Chief CROWCHILD: No, we were not.

Mr. BLACKMORE: Not until this year?

Chief CROWCHILD: No, I have just been chief two months and we just began to know this spring. We have not in past years.

Mr. BLACKMORE: How long were you on the council before you were chief?

Chief CROWCHILD: About five or six years. We had one head chief on our reserve. He has no council.

Mr. BLACKMORE: What is your reserve?

Chief CROWCHILD: The Sarcee.

The CHAIRMAN: You say that you have never received a statement, you have never known how the moneys of the band were expended? Have you ever made any attempt, Chief, to find out directly; and if so, what demand did you make?

Chief CROWCHILD: I do not think we tried to find out. The council did.

The CHAIRMAN: What is that?

Chief CROWCHILD: I do not think he did try to find out.

The CHAIRMAN: I am talking about you, I don't care what anybody else did; did you ever try it?

Chief CROWCHILD: No.

Mr. BLACKMORE: Are there any other chiefs?

Chief CARDINAL: Yes, I am a chief.

The CHAIRMAN: What is your name?

Chief CARDINAL: Frank Cardinal, of the Cree Reserve, Sucker Creek.

Mr. BLACKMORE: I want to ask you first how long you have been a chief, and how long you have been on the band council; and then I want to ask if you have tried to get facts concerning the band funds and details of expenditures.

The CHAIRMAN: Chief Cardinal does not speak English so we will have to ask this gentleman here, Mr. Frank Steinhauer, to interpret for Chief Cardinal.

Chief CARDINAL (through interpreter): Last summer Mr. Gooderham was up there and he told them that from now on they would get their financial statements at the end of each fiscal year. When he first became chief two years ago he went up and saw the Indian agent and asked him for a financial statement for his band funds and all that.

Mr. BLACKMORE: What was the result of that request?

Chief CARDINAL: He promised to give him that statement but he never did.

Mr. BLACKMORE: I think that is all that I have.

The CHAIRMAN: Tell me this, have you ever seen a financial statement of any kind before?

Chief CARDINAL: No, never.

The CHAIRMAN: Would you know the effect of a financial statement if you were to see one?

Chief CARDINAL: Well, as far as the effect of it is concerned, if we do not receive any it will be of no use to us.

Mr. REID: If he came before the band and told them. Never mind whether there is any statement or not; did any agent or anyone from the department ever come before your band and tell them what amount of money there was there?

Chief CARDINAL: The only time that we got any notification of the money was last summer through the agent and we were told that we had \$5,342. That is all we got. We never got anything else.

The CHAIRMAN: What reserve is this, Chief?

Chief CARDINAL: The Cree Reserve at Sucker Creek.

The CHAIRMAN: Is that all, Mr. Blackmore?

Thank you very much, Chief.

Mr. BLACKMORE: Now I wanted to probe just a little way into the extent to which the band funds of the Blackfoot Indians is being used for discharging government responsibilities to the band. Now, the government may not have any responsibility to the band.

The CHAIRMAN: May I suggest this, Mr. Blackmore, you see all these accounts have to be audited by the Auditor General's office, is it, Mr. Hoey?

Mr. HOEY: It would be unfortunate if the impression got abroad that the Indian agent is a law unto himself, because such is not the case. The treasury branch of the Department of Finance audit regularly, once a year, twice a year, and in addition the Auditor General can institute an audit at any agency at any time. I am reading auditor's reports day after day, and the last matter that was brought to my attention was a discrepancy of seven dollars. I mean, I have never seen business audits, but I feel that audits of businesses could not be more thorough or more searching. The Indian agent is compelled to spend money in conformity with government policy on the one hand, and in conformity with band wishes on the other. It just cannot happen.

Now, while I am on my feet, about the distribution of information, is this committee prepared to recommend that every Indian in Canada get a financial statement? If I were to take that up with Treasury tomorrow I know exactly what their answer would be. We are paying 5 per cent on all Indian trust funds. At prevailing interest rates, it makes a difference in the case of the Blackfeet, between \$90,000 and \$150,000, a year. Now, I think Treasury would take the stand that there is a limit beyond which the taxpayers can go in paying interest and providing information and service costs. If the Indians approached the Department of Finance and said each individual must have a statement of his financial standing each year, and we will provide 4 per cent, or $4\frac{1}{2}$ per cent, or 3 per cent or $2\frac{1}{2}$ per cent, to enable the government to open a printing office that would be a different proposition for any governmental office, I care not whether it is the present government or any government that may succeed it. I can go to the dominion government today and secure 5 per cent on my money, and I think it is the duty and responsibility of the government to maintain equity in these things. Now, I think inspector Gooderham should explain the audit and there is another important matter that came up today and it would be unfortunate if we did not have an expression of opinion from him on it because it has come up, and that is the permit system. The fact that an Indian has to get a permit before he may dispose of his livestock, potatoes, grain, or anything else.

Mr. REID: Could I ask you a question right there? Does that regulation apply in all provinces? I understood that in the province of British Columbia an Indian could sell anything, he is a free individual.

Mr. HOEY: No, that is just the prairie provinces.

The CHAIRMAN: Let us get into that with Mr. Gooderham.

Mr. HOEY: That is the legislation, and when you come to the Act you want all the information you can get, and that is why I think you should embrace this opportunity when an experienced official from the field is here. That is very important and I would like to hear him discuss it for my own information.

The CHAIRMAN: The first question you are propounding is a question on the financial statement.

Mr. HOEY: Audits.

The CHAIRMAN: Can you answer Mr. Gooderham?

Mr. BLACKMORE: I can save Mr. Gooderham some trouble if I point out that no one has suggested that every Indian should get a financial statement, what is really being implied by the question is surely the council should have access to such a statement.

The CHAIRMAN: Would you like to comment on that, Mr. Laurie?

Mr. LAURIE: Mr. Chairman, it seems to me the difficulty has arisen, as Mr. Allan explained this morning, that sometime a wave of economy hit the Indian department severely and they had to curtail a lot of the expenditures. That is one reason why many of the reports which went out during those years were very meagre in the sense that they were sum totals. I should like to add to that the extraordinary difficulty which many of our older chiefs have in understanding English in the first place, let alone the intricate details of a financial statement. It is my impression that many of those things were just explained to them without any real understanding on the part of the Indian. I do this particularly, since Mr. Hoey has become the director and since Mr. Gooderham has become inspector in Alberta that these matters are receiving a great deal more attention than they have ever received before to my knowledge, I will qualify that by adding "to my knowledge."

The CHAIRMAN: Mr. Gooderham would you like to say something about it.

Mr. GOODERHAM: There is so little I can say. In the first place all expenditures of moneys are submitted with complete statements each month through Ottawa and are undoubtedly first audited by the department and then by the treasury and then they go to the Auditor General and they are all checked and everything else. On top of that, there are special auditors detailed from the treasury branch. At the present time there is an auditor on the Blackfoot reserve who is following up the last audit and he checks for every detail that is shown as an expenditure through the books of the agency. He also checks the vouchers to see that they are in order. In fact it is a complete audit as in any other kind of concern, and he makes his report to his own treasury branch, and I believe in turn, a copy of that goes to our directorate. It is a very thorough account of everything. That is done through the treasury branch. I do not know if there is anything more I can say.

Mr. BLACKMORE: Mr. Chairman, there is just one thing I would like to say, in all the questions I asked there was no implication that there was any dishonesty on the part of any agent. Mr. Hoey put it well when he said there is an audit in accordance with the government policy. Mr. Chairman the question is committee must deal with is the government policy. It is a question of whether or not it is sound.

Mr. GOODERHAM: From the standpoint of the audit I would say very sound.

The CHAIRMAN: Just a moment, all right Mr. Castleden.

Mr. CASTLEDEN: I do not think there is any suggestion from any band from any Indian that each Indian should be given a statement. I think this is the difficulty, we had a statement from the officials that a financial statement is needed before the band council each year. The complaint that we have from the Indians is that they do not receive that statement.

The CHAIRMAN: Gentlemen, I think you have brought it out in full, and Mr. Currie has made his statement, could we not leave it at that?

Mr. CASTLEDEN: Chief Yellowfly said about thirty per cent of the band funds are spent in administration, I would like to have a statement from the officials to how that is done.

The CHAIRMAN: I do not think we can do that until Mr. Blackmore is finished.

Mr. BLACKMORE: That is my very next question.

The CHAIRMAN: Will you accept that as your own question?

Mr. BLACKMORE: Yes, if we have reached the point.

Mr. GOODERHAM: I may be able to help you there. In the surrender agreement that the Blackfoot Indians made they said this. We will increase staff on this reserve with the funds created out of the sale of this land. They, the surrender, very definitely said that "we will pay for the hospitalization, we will pay for the farming instructors, and the stock, and such other men as are specialists in the way of our development". As a result they are expending, as Chief Yellowfly has said, and I would say very close to 30 per cent of their funds.

Mr. CASTLEDEN: Of the \$150,000?

Mr. GOODERHAM: Yes, you cannot run a hospital for nothing, and they have farming instructors, and they have to pay the salaries which they have until today.

Mr. CASE: What about burial funds?

Mr. GOODERHAM: Yes, their burials, They make the burial of people a very substantial and reasonable thing, supplying them with coffins and so on.

Mr. CASTLEDEN: Are burial charges charged against the band funds in their reserve, could I get that?

Mr. GOODERHAM: No, the cost of burial is part of band charges.

Mr. HOEY: Yes, where an Indian is an indigent and the band has no band funds, it is a charge to welfare.

The CHAIRMAN: If you will look at page 507 of the proceedings you will see the report to the Blackfoot agency in Alberta, showing the receipts, I presume it is the receipts and disbursement and I will just put it as such.

Mr. CASE: Mr. Chairman, are we to follow Mr. Gooderham's suggestion and have the Indians' comment on the permit situation?

Mr. BLACKMORE: I would like to ask just one more question from Mr. Yellowfly, that is, do the Blackfoot Indians now feel satisfied about spending 3 per cent of their income on staff?

Chief YELLOWFLY: They feel that since health is a government responsibility, they feel that through the treaties the government promised to look after the Indian's health, they feel the government should pay for those things, the amount of the salaries to the doctors and nurses, since it all relates to the question.

Mr. HARKNESS: Mr. Chairman on a point of procedure, I think we should finish up with the delegation itself, and their evidence at this session because they are leaving afterwards and I think we might be able to question Mr. Gooderham at our next meeting. I understand he is going to be here for the rest of the week.

The CHAIRMAN: Whatever the committee says.

Mr. CASTLEDEN: I do think the delegation that is here is very much interested in this permit problem, but I think a couple of minutes might be very well spent.

Mr. REID: I wonder if I could ask just one question before he goes?

The CHAIRMAN: He is not going.

Mr. REID: It has to do with band funds. Did you give evidence that the band funds had \$2,000,000 to your credit?

Mr. CASTLEDEN: More than that, \$2,800,000.

Mr. REID: I am leading up to the question I have in mind by asking the first. My question is this, how much each year does the band keep back for improvements, do you keep back \$100,000?

Chief YELLOWFLY: I will put it this way, we are working on the assumption that our income from all sources, band funds and other sources would be \$150,000 and then we budget on that basis. In this budget we provide for all those programs such as hospitalization and so on.

Mr. REID: Would there be any buildings constructed out of those funds each year?

Chief YELLOWFLY: Yes, there could be.

Mr. BLACKMORE: How many more of these gentlemen are there to be heard from, Mr. Chairman?

The CHAIRMAN: Beg pardon?

Mr. BLACKMORE: How many more of these gentlemen are there to be heard from, in trying to decide whether we should hear Mr. Gooderham before we hear from them?

The CHAIRMAN: These are the only two, the others are supporting them. I think it would be well to hear from Mr. Gooderham if you do not mind.

Mr. GOODERHAM: Mr. Chairman, gentlemen, it is a difficult thing to answer this sort of a problem, and you have put me rather on a spot. Now, in southern Alberta we operate a great many reserve herds of cattle on a community basis. They are one unit. I think it would be rather dangerous and I think it is a feeling of many of the Indians that the permit system should not be done away with, no

ly from a statistical point but in order to get the best value. The Indians are taken into our confidence. We are all working together pretty well. The Indians on the Blood, the Blackfoot, the Peigan, and the other reserves raise cattle, tenders are asked for their cattle and the best tender is accepted. Possibly if individuals were buying or selling without this permit system, while a number of them had not had a very great deal of business experience, it would be found they might be selling at a loss. Now we appreciate we want to develop them as Indians, to become more responsible, but we say we want you to come and talk things over and we will automatically give you a permit as you will probably make a good business deal. But for the man who is ignorant of buying and selling practice and is influenced by the desire of the moment, he is very likely to sell and regret it afterwards. I think Major McKay of British Columbia can tell us that sort of thing happened in the years gone by in British Columbia where many of their herds and other things were dissipated. The Indians themselves here, especially in the south, want that protection, and I think they are prepared to rely on the integrity, fairness and co-operation of their agent to work this problem out until the time comes when it is safe to leave it to them entirely. That applies to the Indians' cattle and grain and other things. When you get into the north there is fur and the fur regulations of the province and there is control through the provincial and dominion governments. There could be, very likely, a breach of trust by allowing an uninitiated man to go peddle his furs. Then there is the matter of timber. In the timber, which comes under the permit system, the timber is part of the land itself, communally owned. Well, if you removed the permit system, one very crafty individual might sell out his band and therefore, the permit system should be continued. I think, and I think it is agreed by the majority of the more advanced Indians, the permit system should remain as a protection for the time being. A trial was made in a small way on the Blood reserve at the request of the Alberta association last year. There are members of the association here now who know the results. Last year we were lax in putting up the hay and as a result the hay became good and scarce on the reserve. There was not enough saved, and some members of the association found it very difficult to get hay themselves. I think that they would prefer that in future the tightening up of these things should be discussed in their regular council meetings where certain rules and regulations can be made on the general principle, that of on the whole keeping their affairs safeguarded. I do not know that there is anything more that I can say.

The CHAIRMAN: Thank you very much.

Mr. REID: I would like to ask a question. From your experience in the past are you still of the opinion that this form of assistance should be continued? I am thinking particularly perhaps of the Indians of British Columbia. The Indians do much of their own marketing because we feel that the only way by which they can learn the lessons of life is by acting for themselves. True, the Indian may make an error now and again, he may get gypped; but that is part of learning the lessons of life. We all have to learn that way. I am asking this question. We think that makes them self-reliant, to look after their cows, their hay, their eggs and such things; they are getting experience. Do you think it is now time to change that permit system in the province of Alberta?

Mr. GOODERHAM: The Indians of Alberta we feel are not fully qualified to deal with finance. First I think they should go on longer, not so long, before they turn over from the present system. I would not like to say at the moment that they should be removed immediately. I thoroughly agree with you on the matter of self-reliance; and we thoroughly agree with you that that is one of the principal reasons that we should turn it over to them as quickly as possible; why we should turn over to them the responsibility for everything. They are even now giving out suggestions as to how this should be done.

Mr. REID: In assimilation there is too much paternalism. They are being treated as children all the time. No one can develop when he is treated in this way and you will never develop Indians into normal citizens through this method.

Mr. CASTLEDEN: Has there been any expression of opinion from the Indian Association of Alberta in regard to the matter of permits?

The CHAIRMAN: You will find reference to that on page 54 of the summary of the brief.

Mr. CASTLEDEN: I wonder if any of these representatives would like to say something on that.

Chief GLADSTONE: In our association not so long ago a motion was moved by our then chief which I seconded—

Mr. CASTLEDEN: A motion to do with what?

Chief GLADSTONE: It was about permits, about the relaxation of hay permits. And the reason for that was to encourage the Indians to stay up there at the hay camps. I think the Indians and more or less the other members of our tribe kind of blamed the stockmen for their permits being held up. They wanted hay, they thought they would be able to provide. The chief reason for this motion was in order to keep the hay camp going; that if the Indian got a permit for himself for two weeks that would enable him to buy food and he could still cut his hay in between times, and he could probably take home and store something up for himself as well. The way it had been before the Indians would go out to supply the stockmen and then stay as long as he could instead of providing for himself for the winter. They would stay out as long as they had enough money with which to buy food; and then, when they could do that that would cause them to break camp and go out where they could earn. Our object with this resolution was to try to keep them at their hay camp as long as we could. As long as they had a permit to cut hay they would probably stay at the camp; at least, they would stay at the camp that much longer. Last year, of course, the elements were very much against us and they did not. They did go out more frequently. Like, if I asked for a permit today I could get one and if they had been allowed a permit for a term of two weeks I think there would have been a great deal more of hay stacked on their own places.

Mr. CASTLEDEN: Thank you very much.

The CHAIRMAN: I would again refer members of the committee to the brief put in by the association. The question here is if they favour the permit system. May I review a part of what is found in the brief at page 54:

By encouraging the band council itself to impose regulations upon the disposition of such produce, it appears that the object of the enactment would more readily be achieved, and in addition, that the benefits accruing to such bands in their practice of self-discipline and self-regulation would be considerable.

Mr. CASTLEDEN: I think that is a very important point, Mr. Chairman. The thing is that at the present time the permit is being obtained from the Indian agent and they are recommending that they be issued by the band council itself, that the band itself should have some say about the imposing of these regulations with regard to whether or not the Indian should be granted a permit.

Mr. CASE: I think that is the point at issue and I think Mr. Castleden is quite right. They are not asking for the doing away of the permit system but rather a greater say in its application.

Mr. CASTLEDEN: They don't measure up. The regulations were put in there to protect the Indian against exploitation by unscrupulous buyers, and to that extent it is good. Today there is very little exploitation of that type. Take grain, they take that to the elevator where it is graded and a price is set on it. I wonder what any of the other Indians have to say about it. Chief LIGHTNING, what is your opinion of the permit system? Do you think it stands to get the Indian to be a better producer, or does it operate as a detriment to the Indian as it functions at the present time?

Chief LIGHTNING: We discussed that for some time last winter. There are some of our people who are in favour of giving a special permit.

Mr. CASTLEDEN: That is, the main difficulty with the granting of permits is that it should be left to the band rather than where it is now, with the agent?

Chief LIGHTNING: We would like to have our band council arranged so that the Indian could get authority to look after his own business.

Mr. CASTLEDEN: You want to grant him relief from the permit system.

Mr. REID: In other words you would like in certain cases for the Indian to do his own business; if he has a cow to sell, if he has grain to sell, or if he has hay to sell?

Chief LIGHTNING: Yes.

Mr. REID: You think the Indian should be allowed to sell what he saw fit without having to go to the agent or even to the band for permission?

Chief LIGHTNING: Yes. The Indian should be left alone to handle his own affairs without having to go to the agent or the band council to get a permit.

The CHAIRMAN: Well, then, in view of that, that you would release some of the Indians from these restrictions, how are you going to determine who should be released and who should be restricted? What is going to be your guiding rule?

Chief LIGHTNING: In every band they have some one to two hundred acres of land in crop and they have a large amount of stock and the people look after it. You might have as your next-door neighbour a man who cannot supervise matters for himself with good results, he might not even be able to make a living without supervision. That is the sort of man who requires some protection.

The CHAIRMAN: And you think the band would be best able to set these rules and regulations and say who should be restricted and who should not?

Chief LIGHTNING: I want this permit system to be left entirely with the band.

The CHAIRMAN: That is what I mean.

Mr. REID: In other words the band accepts the responsibility of saying who shall be responsible for the disposal of his own crop, and who shall not?

Mr. CASTLEDEN: Experience would be the criterion by which they would judge, I take it. If a man had shown himself incapable of carrying on his own affairs, then they could say who should get a permit.

Mr. CASE: Might I ask this question. Suppose your plan is put into effect and the band deal with permits and they relieve certain individuals from the permit restrictions; that is what you want?

Chief LIGHTNING: Yes.

Mr. CASE: Now then, those who are not released from the permit restrictions, who will administer their affairs; the band, or the agent?

Chief LIGHTNING: He would still be under the agent.

Mr. CASE: Until they have reached a certain stage?

Chief LIGHTNING: Yes.

Mr. CASE: What is the procedure now; does he go direct to the agent for his permit?

Chief LIGHTNING: For a special permit at any time he goes to the Indian agent. We have different procedures in different bands. For instance, if I am an instructor in a certain band, I will be asked for a report.

Mr. CASE: Do I understand you that at the present time the band has nothing to say about it?

Chief LIGHTNING: No.

Mr. CASE: By that I mean, of course, the band council?

Chief LIGHTNING: No.

Mr. CASE: You have nothing to say about that?

Chief LIGHTNING: No.

Mr. CHARLTON: If one Indian in the band wants to deal with another Indian in the band does he need to have this permit? He has to have a permit, is that not so?

The CHAIRMAN: Is that a fact, Chief?

Chief LIGHTNING: If I would want to deal with another Indian who belongs with our band, that is all right as long as we report it to the farm instructor so that we have it on record.

Mr. CHARLTON: That is what I mean, you have to report it. I was just getting down to the point, wondering if the permit was done away with in some cases. The ones who sell have to get a permit to sell, and the agent would give them a permit so they could get their produce out.

The CHAIRMAN: Shall we proceed, gentlemen? Are there any other questions you would like to ask this witness? Mr. Crow Eagle is here. If you have no further questions I would like to call him.

Mr. BRYCE: I would like to find out; I do not know how many bands are represented here to-day, but I would like to know whether the Indian agent lives on the reserve or does he live a hundred miles or so away. Could you tell us that?

The CHAIRMAN: What is that again?

Mr. BRYCE: I want to know with respect to these bands which are represented here to-day from Alberta if there is an Indian agent living on the reserve; is he a full-time man or a half-time man; or does he live a hundred miles away say in Calgary or Edmonton.

The CHAIRMAN: Could Mr. Gooderham answer that? Do you think you could answer that question, Mr. Gooderham?

Mr. GOODERHAM: I think I could sir. You see, an agency may comprise a number of reserves, but invariably the agent is on one or other of the reservations. On the big reserves like the Blackfoot, the Peigan, the Blood, the Sarcee—who are represented here; on them the agency is right in the midst of the Indians. There are reserves at the Edmonton agency. Mr. Callihoo's reserve is some miles away from the agency, but the agency is on the Stony-Peigan reserve. They do not have a farming instructor. They have to look after themselves. But on nearly all of the other reserves there is a representative of the agent who is now called the farming instructor and who lives there, and as we develop we hope there will be more of them living on the various reserves and in close touch with the Indians.

There is another thing I personally want to see and that is the man living among his people—as much as possible living among the people he is directing, except where it is not possible to have them in cities. I would like them on the reserves.

Mr. BRYCE: Could the witness make plainer how far these reserves are apart? We have an agent here who lives on the reserve; and another one is in charge.

Mr. GOODERHAM: It might be as much as a hundred miles.

Mr. BRYCE: How do you expect these men to contact that agent? It ends up in this, that the man you appoint as agricultural instructor on the reserve becomes the Indian agent and does the work for the Indian agent, and there is lack of supervision.

Mr. GOODERHAM: Not necessarily lack of supervision.

Mr. BRYCE: He is a hundred miles away and he cannot keep track of the man he should be instructing. The young Indian is doing the work.

Mr. GOODERHAM: No; the distance may vary up to one hundred miles from the agent to the farm instructor—the reserve which is under his jurisdiction.

Mr. HOEY: It is only fair to the committee to say that that whole administrative set-up has been under review by Mr. Allan and Mr. Gooderham and myself for three months, and when I say under review I mean under thorough review; and within our proposed administrative set-up we are making provision for superintendents in the south, and under this man there will be assistant agents, so by the appointment of superintendents and assistant agents and farming instructors the whole administrative set-up is in the process of reorganization, and we think that in the prairie provinces, after a great many months of work—we may be flattering ourselves—we think we have a very worthwhile and what is likely to prove to be a very efficient administrative set-up. I do not want the committee to spend time trying to go through an open door. I think it is only fair that they should know that. Those are the facts.

The CHAIRMAN: We are here to hear the Indians. There are two statements we want to get before the end of this hearing. With your permission, gentlemen, I am going to ask Mr. Callihoo to make his statement with regard to permits. Mr. Callihoo, will you bring your chair up here toward the front and sit right down among us and make yourself at home.

John Callihoo, recalled.

The WITNESS: Now, Mr. Chairman, what I think about this permit system is that it does not appear to be a very good policy to me and our reserve, the Callihoo reserve. The permit system has been going on since every treaty was signed—that is about seventy-five years ago. As long as this permit system lasts the Indian agent is going to be allowed to give the permit to the Indian and is going to deal for the Indian and the Indian will never know the valuation of their work. The Indian will never like this permit. They have never liked this permit system. I am not talking about these Blackfeet and these other people; I am talking about ourselves. I notice when they talk about the north they switch to the south. If they talk about the north let them talk about the north and if they talk about the south let them talk about the south. That is what we want to see going on. Because the permit system discourages the Indian in our north country. If the Indian goes to the agent in the fall of the year especially and he says to the agent that he is going to run short of feed or is not going to be able to winter his stock, he will go to the agent for a permit and that is the

time the agent will refuse. I am telling you the truth. He might go there five or six times and be refused every time. Now, when the Indian sees his stock dying during the winter and spring of the year he says, "To heck with it, I am not going to raise animal stock." That is the way it happens. I will tell you our case in Callihoo reserve. This was between 1898 and 1900—I do not remember exactly. My dad put up hay and he put away about 300 tons of hay for his stock and there came a very bad storm in the fall of the year and there was snow and sleet and rain, and the little Sturgeon river was flowing over and all the sloughs were full of water, and all our hay was under water and every bit of it was spoiled. Well, when the old man didn't know what to do I drove four or five trips with him to the agency. That was about 21 or 25 miles. In those days there were no bridges over the creeks and we got stuck pretty nearly every time we crossed one of those little creeks. And every time my dad asked the Indian agent—Mr. Gibbons was the agent at the time—the answer was, "No, you are not going to get a permit."

By Mr. Harkness:

Q. Do you mean a permit to sell live stock?—A. To sell some live stock. The old man said that there were some four year old steers and some dry cows, and he told him exactly the situation of how his hay was spoiled and under water but that did not make any difference. The answer was, "No, you are not going to get any permit." So, finally the old man comes up—we had fourteen acres of oats that was to be threshed, and the old man did not thresh that oats but kept it out for feed, and when that was done we went into the bush and chopped some young birch, but that did not keep the cattle alive. It kept them alive for a certain amount of time, but they could not winter on that. In the spring there were very few head left; we had nothing but a big bone-yard in the yard. Now, the old man got sore about that. He did not like it. In the following year the inspector comes along and the agent and the interpreter and they were going to brand the calves. They made a fire and had their iron there, and the old man asked them what they were going to do and they said they were going to brand the calves, and the old man says, "Don't brand them now." And when they went down the yard the inspector asked the old man, "Where is all your stock, you had a big bunch of stock last year, where are they?" And the old man told them the situation and the inspector and the Indian agent had a little talk between themselves and the agent said, "I got your orders and I followed your orders." The inspector said, "No, that is not my orders." And the agent said, "That is the best I could do." So they did not brand the calves anyhow. My dad told the inspector and the agent to take the stock out of that reserve, if it was their stock to take them out, that they did not want any more permits. He said, "You see what you have done. We are not going to raise stock just to make bone-yards." That was the very year that we were left to do our own affairs without permits, and ever since Callihoo reserve has done better than any other reserve in the north country.

The CHAIRMAN: You do not have permits up there?

The WITNESS: No.

By Mr. Castleden:

Q. You find production is better on your reserve than where the permits are?—A. You can see it in the blue book at the time of Gibbons. He put it in the blue book that the Indians of Callihoo reserve were the poorest among the poor. He was right. The other reserves were far ahead, but today we are far better off. We never get permits.

Q. Do you not have examples where buyers come in and buy cattle too cheap?—A. The sooner the Indian is allowed to do his own affairs the sooner he will learn. He might be beat for five or six years but after that he is going to improve.

Mr. CASE: He pays for his experience, but he will be much sharper.

The WITNESS: Sure.

By Mr. Castleden:

Q. Would you advocate that with regard to timber permits?—A. I can go this far, according to our own reserve—I do not know about other reserves—it appears to me that the Department of Mines and Resources or the Indian department whatever it is, is holding back timber in the Indian reserves for the purposes of white men, for the benefit of the white man. We are not allowed to saw, we have never been allowed to saw and sell timber. We have been allowed to saw for our own use. But there was a lot of standing commercial timber in our own reserve and we were never allowed to sell any at all, never allowed to cut timber. All at once there came a big outfit right in the reserve and cut our timber off. That showed that the department is holding our timber for outsiders.

The CHAIRMAN: When was that?

The WITNESS: 1926.

Mr. CASE: Your band would receive revenue from the sale of the timber, would it not?

The WITNESS: I asked Mr. Allan one time in Calgary to give me a statement on that, I did get it. We got, I think, \$335 or something for stumpage, and I saw the man that got the timber out and I asked him how much he made and he said \$20,000.

By Mr. Reid:

Q. What do you think of being encouraged to have a little sawmill to cut timber of your own to build houses?—A. If we had a sawmill of our own at the time we would never be allowed to saw it for sale; it would only be for our own use. There was a lot of timber, and today there is not a stick standing in that reserve. That is where we stand.

Mr. CASTLEDEN: There is no lumber left there at all?

The WITNESS: No.

Mr. CASTLEDEN: There has been no conservation of timber?

The WITNESS: There could not have been because of the value of the timber that was there in 1926, 1927 and 1928, it is all gone.

By Mr. Case:

Q. Has the second growth come on?—A. No, fire has destroyed it.

Q. Have you any wood on the reserve?—A. Yes, we have wood.

Q. Suitable for fire, or fuel?—A. Just for firewood.

Mr. BLACKMORE: Mr. Chairman, did Mr. Callihoo say only about \$325 was all the Indians got?

The WITNESS: That is what we got right here in Ottawa, I think that is what it came to, about \$325, I guess Mr. Allan would have that.

Mr. BLACKMORE: That went into your band funds?

The WITNESS: Yes, but Charlie Lederal made \$20,000.

The CHAIRMAN: Chief Teddy Yellowfly would like to comment on that.

Mr. CHARLTON: That name is not right, I am afraid.

The WITNESS: Lederoux.

The CHAIRMAN: L-E-D-E-R-O-U-X.

The WITNESS: Yes, something like that.

Chief YELLOWFLY: Now, gentlemen, you will recall in my brief where I said tribal property must be distinguished and differentiated from individual persons property. Now, and furthermore, I said it is desirable to encourage the self-reliance of the Indian and the individual authority. I make reference to that in this regard, that the permit system as it is has its virtues and it also has its disadvantages. For example where it would be advisable to retain the permit system as regarding tribal programs that are operated under a community basis. I think I said those Indians who are making a livelihood—in plain words they should not be required to sell through the permit system. Now, I will go back to the statement I made to encourage free enterprise.

Mr. CASE: May I interrupt for a moment, you say now going back to the permit system, you suggest that apply through the band.

Chief YELLOWFLY: I suggest that apply through the band because the local body would decide, where they know each other. Where it probably would do harm is in a tribal program that is operated under a communal effort, for example, if they were threshing and they were operating under a communal basis then one Indian may sell all his wheat and then at the same time not knowing what the cost of the operation was, and though not intentionally, might undersell to the point where he would not be able to contribute to the effort.

Mr. CHARLTON: Not be able to pay his threshing bill?

Chief YELLOWFLY: So I would say those Indians who are not able to look after their own should be placed in a separate category from the tribal program.

The CHAIRMAN: Gentlemen, with your permission, Mr. Laurie is here and he would like to make a statement about adult education among adult Indians in Alberta, Mr. Laurie?

Mr. LAURIE: Mr. Brown, gentlemen of the committee and officials of the department. As evidence that the Indian Association of Alberta is not entirely concerned with sharp-shooting at various things I should like with your permission to tell you of a project which was undertaken by the Indian association members this winter. The members of our association wished for an experiment in adult education. The association agreed. In the city of Edmonton we were able to make arrangements for a room in which to hold classes and we were able to obtain instructors from the university staff, from the St. John's Ambulance Association, and other sources. The proposition was that the Locals of the association would finance anyone there through the Local who would be chosen to go and anyone who wished to go over and above that chosen representation would pay his own expenses for the period of the week.

Mr. CASE: Men and women?

Mr. LAURIE: Men and women, or men or women. The school in Edmonton was attended by varying members, some of them came for only one or two classes in which they were interested but a number attended throughout the entire course. Lectures and demonstrations were given in first aid, elementary first aid; in how to conduct a meeting and record the proceedings of that meeting in a proper fashion. Lectures were given through the courtesy of the game branch of the provincial government on the game laws existing in the province and many Indians found them very instructive. There were also classes in letter-writing, simple English and one thing and another of that kind. The students were very enthusiastic and expressed every regret that it lasted for a period of one week only. We undertook to organize a similar one in Calgary, where we met with the same success. A lecture room was provided by one of

the churches. We were able to obtain instructors from the city public health department, from a doctor in the city, the assistant city solicitor, and others who volunteered their services. We had a little better attendance here, I think no ladies attended, one lady I may say attended the classes in Edmonton. Then we had evening classes also, because we wanted to fill out the time, the boys wanted to fill out the time as much as possible. I can assure you, by the letters that we have received, that the instruction was very much appreciated and again they were very regretful that we were going to limit it to one week and we have been constantly urged that this should take longer. One boy came to us afterwards and said "all right I will be ready to come back as soon as my seeding is done".

Mr. CASE: What would be your total enrolment?

Mr. LAURIE: It was very small, I think we had seven in Calgary and six in Edmonton.

Mr. CASE: What would be their average age?

Mr. LAURIE: In Edmonton perhaps the average age would be forty. In Calgary it would be slightly less because three of them were young men and the older members would be from forty to fifty years of age, and the young chaps between twenty and thirty.

The CHAIRMAN: I do not quite understand, what were they taught there?

Mr. LAURIE: Lectures were given in elementary first aid through the St. John's Ambulance Association. Lessons in English as to how to write a letter.

The CHAIRMAN: Have you some pictures there?

Mr. LAURIE: These are pictures of the two classes. They were given instruction in hygiene and sanitation. They were given instruction in the procedure of meetings and the recording of minutes. How to form resolutions, how to frame them, present them, and in one case it became almost a mock parliament. Does that answer your question?

The CHAIRMAN: Yes, thank you very much. We see in the pictures the faces of many of those who are here today.

Mr. CASE: I certainly think it was a very commendable project and should be encouraged.

Mr. LICKERS: Could not that be worked in best by the use of residential schools for those meetings?

Mr. LAURIE: That I do not know, Mr. Lickers, we have had just this one session and I cannot say how far it could be developed.

Mr. CASE: About how far would your pupils have to come to attend?

Mr. LAURIE: At the Edmonton school I should say the average distance would be forty miles. In the Calgary school the most distant student was Mr. Crow Eagle here, he came about one hundred and fifty miles. The closest was Mr. Crowchild and another chief from Sarcee, who came twelve miles. The others were from various distances and they stayed in town a week.

The CHAIRMAN: Now, Mr. Laurie, while you are on the subject of adult education, many of the members of this committee were on a committee last fall which went to the maritime provinces and there they saw what had been done in adult education in many of the reserves. We have not had the opportunity of visiting western Canada so that we do not know what you have there, but have you such a thing as a homemaker's club of adult women.

Mr. LAURIE: I think there is one at the Hobbema reserve, is that correct?

Mr. GOODERHAM: Yes.

The CHAIRMAN: Have you personally had an opportunity of observing what they have done?

Mr. LAURIE: No, sir. .

Mr. GOODERHAM: I was at a homemakers' club meeting last Thursday, held in the basement of the existing agency office, at which there was a district representative, a woman district representative of the province of Alberta in attendance with slides. She had been giving a prior meeting, a cooperative thing between the province and our department. We also had there a professor from the province of Alberta, who gave slides and talks on gardening. There was in attendance, the space is limited, a number of women and a few men. They also attended—these representatives went down to a very wonderful seed-cleaning plant the Indians had just erected. I might say the same thing has been started in the Lesser Slave lake district. Chief Frank Cardinal's wife and others last year had a similar type of thing organized through the reserve. They have all these functions indefinitely, as such things do not always function definitely, but we hope to have them continue. We support it and get very wonderful support from the province of Alberta.

Mr. CASTLEDEN: I am just looking through this report and the appendices of the association. In their questionnaire they refer to housing. I notice that they report some 170 families on the various reserves are without housing. Apparently you have a housing situation there.

Mr. GOODERHAM: Where?

Mr. CASTLEDEN: In Alberta.

Mr. GOODERHAM: It is from very good to very bad. On the Blackfoot reserve they have buildings, good buildings, and others valued at half a million. They had one hundred and seventy sets of very fine buildings originally of a frame type, they may not be as warm as some of the latter. They are contract houses, four-room, five-room, and two-room houses, of which a number were very fine homes. As you go to the other reserves you will find very good houses which have been constructed by the Indians. Then you get down to the reserves where they are just log huts. In the deep north there are both log and lumber huts, houses; but up there I feel that the Indian could get a great deal better home because he is living right in the midst of good timber. I always feel, gentlemen, that the home, the house situation can be just more or less what we want or what our desire or demand is. On the Blackfoot reserve they have had these big homes for as many as thirty years, and a great many of them are vacant. The Indians have been living not only in the wintertime but in the summertime in smaller houses. The houses were made beyond their ability to appreciate. That is the matter of progress and knowledge and appreciation. And I think that is one angle that you must take into consideration in considering the housing situation. You may have 150 people wanting houses and not have any very great demand for them.

Mr. CASTLEDEN: These are families?

Mr. GLADSTONE: Oh, family houses, yes.

Mr. REID: May I ask you this question?

Mr. GOODERHAM: Yes, sir.

Mr. REID: Do you find among the Indians in Alberta something similar to what I have found in my investigations of the last year or so in regard to homes? I came on a settlement where there were small log homes and the younger generation of Indians told me that it was almost impossible in some instances to get their parents to live in the homes because they believed that the spirits of the departed were in there.

Mr. GOODERHAM: I do not know about that.

Mr. REID: The father and the grandfather have been born there. They made that statement to me.

Mr. GOODERHAM: It was the other way in many places, where they think the spirit leaves the home. Today I do not think that is so prevalent, but there are a number of poor homes.

Mr. CASTLEDEN: I was thinking, as a result of your statement, there are areas where there are large stands of timber and it would be possible to establish permanent housing?

Mr. GOODERHAM: That was brought up here once to-day. In the Sucker Creek area we have—and I had it brought up last year—a saw-mill on the job right now, one of their own. It is rather hoped, and the intention is, there are men capable of operating this mill, and then it may be taken elsewhere. I do not know what they are doing with it. I have not had a talk with Chief Cardinal. Have you started operations there yet, Chief?

Chief CARDINAL: They have it there and I think they are going to start putting this spring.

Mr. CASTLEDEN: We cannot help solve the health problem of the Indians until the housing situation is taken care of.

Mr. GOODERHAM: It is on the program.

The CHAIRMAN: Could we as much as possible confine our questions to this witness because they are here now. Are there any other questions?

Mr. HARKNESS: I have a question I would like to bring up. It has not been dealt with in the brief or by anybody else here, but from conversation with many of the Indians I know it is a matter which is in their minds to a considerable extent and I would like to have an expression of opinion from the witnesses here on the matter; that is, what they think the situation should be as far as the liquor laws are concerned; particularly as to what they think should be put in in our re-writing of the Act—as it is hoped this committee is going to do—what could be done so far as the present regulations, that Indians are not permitted to buy liquor, or use it, and so forth.

The CHAIRMAN: Would you care to comment on that, Chief Yellowfly?

Chief YELLOWFLY: I have not given that subject much thought, but I am of the opinion that there are laws already in existence in each of the provinces which pretty well take care of the situation as it is. For example, they have a law which interdicts a person, an Indian, and denies him the use of it. I think the Indians should be treated all alike, and if you prohibit all of them how are they going to learn.

The CHAIRMAN: Crow Eagle, would you like to comment on that?

Mr. CROW EAGLE: No, sir.

The CHAIRMAN: Is there anyone else who would care to comment on it?

Mr. CASTLEDEN: I was wondering if they would agree with this, that very often as a result of the fact that they are not allowed to purchase liquor the Indian is often the victim of illegal sales. What about that?

Chief YELLOWFLY: That is true.

Mr. CASTLEDEN: That caused a great deal of trouble and gives a bad reputation to many Indians because this type of traffic is allowed.

Mr. HARKNESS: This is a question with which we will have to deal; that is, as to whether we are going to continue this prohibition of liquor as far as the Indian is concerned, or place them under provincial laws; and it is a subject on which we should get an expression of opinion from the Indians themselves.

Mr. CASE: I might ask Mr. Laurie if his association has ever dealt with this problem?

Mr. LAURIE: No, sir; it has not dealt with the problem.

Mr. CASE: It has not been brought up at all?

Mr. LAURIE: No.

Mr. CASE: It has not come before you?

Mr. LAURIE: No.

The CHAIRMAN: Now, we are near the end of our session. You here are going home tonight. Is there any question you would like to ask, or that you would like to bring up before this committee? We want you to feel free to ask anything. Now that you are here we want a frank expression of opinion. We want you to go away feeling that you have had every opportunity of bringing up any subject which you want to bring up before this committee.

Mr. HARKNESS: I want to say, Mr. Chairman, that I would like to have a frank expression of opinion on this matter which I have brought up. We have not had any opinion expressed so far except that voiced by Chief Yellowfly.

Mr. STEINHAEUER: This question concerns other matters as well. It concerns particularly the returned servicemen, the Indian veteran living on the reserve. With the law the way it stands today we are not allowed to go into a beer parlour or to buy any liquor, when I was in uniform I could go into the canteen or any beer parlour and buy liquor. Once I took off my uniform I was an Indian again. Is there anything being done to relieve that situation?

Mr. HARKNESS: What is your opinion on this matter, that is what I want. Do you want a prohibition on liquor to Indians? Do you think it should be continued or stopped?

Mr. STEINHAEUER: Well, I think it should be one of our privileges particularly in the case of a man who has shown that he can control his liquor. Take my own case, I can take a glass of beer, or two glasses of beer, and I never affected me; whiskey, I can't take that at all, or wine; that is a different thing with me. It is just like this; you have a horse and you put him in the barn and you don't give him anything to drink and at the end of several days you take him out to a trough and he will drink and drink until he has enough. I think if you give an Indian the same chance he will drink like a horse. That is the way I feel.

The CHAIRMAN: Would anybody else care to comment on that?

Mr. LIGHTNING: No, it is not exactly that I want this. I am not insisting on it, but I want to bring to your attention certain facts. The Indians are under certain restrictions with regard to liquor. I want to leave it to you to judge of the situation for yourselves. In many places as I have travelled in different portions of our province an Indian like myself is not allowed liquor but at the same time he can get it any time he wants to. Then there is another point, you take all these people you hear about in the news papers being poisoned by drinking shoe polish, rubbing alcohol and different things of that kind. We feel that we should be in a position to get good liquor to get the proper stuff, not poison. Supposing an Indian wants a drink. We have a lot of good friends among the white people and we have respect for those friends. If I want a drink I will get it, whether I am allowed it or no. My point is this, that as long as this continues as it is now many more Indians will go to the graveyard with that kind of poisoning. Then, another thing many of them have, as you know, a special recipe for the stuff.

Mr. HARKNESS: And your general idea then is that this prohibition should be removed?

Mr. LIGHTNING: Well, I am just giving you these illustrations. I want the committee here to judge that for themselves. Why keep the Indians under the same restrictions until more of them get poisoned and others unfit to work any more when they do get it.

Mr. BLACKMORE: Mr. Chairman, Mr. Lightning's opinion, I take it, is that they should be permitted to buy?

Mr. LIGHTNING: Yes.

Mr. CASE: The same as the white men.

Mr. LIGHTNING: My own personal opinion would be, as I said a minute ago, when an Indian wants a drink he will take a drink anywhere he can get the stuff, and if he can't get anything else he will get this poison, that is all it is.

Mr. CASE: The Indians of my riding tell me that the fact that they cannot have permits emphasizes their feeling of inferiority, that they are looked down upon as being somewhat different. Do you think that intensifies any feeling of inferiority amongst your people, not being able to buy liquor and not having a permit?

Mr. LIGHTNING: To a certain extent, of course. I looked at the Indian Act. You are given to understand, of course, that the Indian Act protects the Indian everywhere he turns. While that continues, and as long as we are talked about as wards of the government, we shall never be able to run our own business anyway.

The CHAIRMAN: You realize this, you have read the minutes of proceedings of this committee, but what we have been trying to do ever since we started has been to devise some scheme whereby we may have the Indians help themselves.

Mr. LIGHTNING: Yes.

The CHAIRMAN: We are most anxious to see that all Indians, that the entire Indian population of Canada is assimilated. You see, what we are trying to do is to revise the Indian Act so that it may lead to that end.

Mr. LIGHTNING: Yes.

The CHAIRMAN: That is why we want your comments.

Mr. HARKNESS: I wonder if Mr. Callihoo has any comment to make on the point?

Mr. CALLIHOO: In the first place, I feel as though I was a criminal even before I was born, not being allowed to use liquor the way anybody else does. But I can tell you this, that I can get all I want when I do want a drink. There is nothing in the world that is going to stop me when I feel like going out and having a good time. The only unfortunate thing about it is that I have to pay three or four times more for my whiskey than you people do.

Mr. CASTLEDEN: That in itself is an injustice.

Mr. CALLIHOO: Yes. I repeat what Mr. Lightning has said; I have seen lots of Indians who have poisoned themselves to death for want of a drink. They cannot buy the good stuff, probably they haven't enough money, and they are forced to go to the bootlegger for this rotgut. And they are going to drink, whether they do pay ten times the price for this poisonous stuff. If the Indian cannot get anything else he is forced to take this rotgut, and all this other poor stuff. And when he does that he no longer has a good brain, he is not going to be able to build up his brain, he is not going to be able to develop his muscles or his strength or his budget. I think if an Indian was allowed to use good liquor, he would use good liquor and he would use it to a certain extent. If suddenly, eight or ten of us would kill ourselves it would be a good lesson. There will always have to be a start somewhere. If the Indians are forbidden to make a fire to warm themselves, they are going to suffer. If they are forbidden to do one thing and they see other people using that to the best advantage they want to do the same, and as long as they are forbidden they are never going to learn anything.

Mr. CASE: Would it be safe to say if he could use good liquor he would use good judgment?

Mr. CALLIHOO: Oh, I would say it would be safer for them to use good liquor than the rotten stuff they are using these days.

The CHAIRMAN: Chief Crow Eagle would like to make a comment now.

Chief CROW EAGLE: Mr. Chairman, and other members of the committee. I would like to say a few odd lines in expressing thanks to the members on behalf of the Indian Association of Alberta. We indeed have appreciation for being invited to come to Ottawa by your committee, but the time is so short that we cannot express ourselves to the extent we should express ourselves. Just one thing I would like to ask the friends of the joint committee to prove our summary in our brief. I would like to ask you to come to the province of Alberta and to prove our brief,—see for yourselves the conditions in the various reserves. We cannot very well express ourselves in this short time. We just have a limited time. If I am permitted to express a feeling of the Indian Association of Alberta on the various subjects that have been brought up I would be glad to do so. On this occasion we have come down here as representatives to bring back home good news for our people, but one thing I would like to bring back home is if I could learn the joint committee is coming to investigate more thoroughly. Supposing this is a house. A high official comes. Those are all Indians. And yet the official comes in. There is some Indian agent here, all right. I want to find out what is going on, all right. The floor is clean, that is all right. The Indian agent takes him around the floor and he goes and tells him, "I am going to take you out into the Indian reservation". And he goes out in the reserve and examines it. There is the herd; there is the farm; and the official says "That is fine," and he goes back to Ottawa and makes a report. We want an investigation into that corner, into that corner, and back into that corner, and this corner, where the officials never see, and that is why I ask you, gentlemen of the joint committee to come if possible and make an investigation thoroughly. And if I am permitted to continue for more illustrations, I have illustrations on the timber limit situation and what we call a vote by the majority on the bands.

The CHAIRMAN: Well, now, Chief, we appreciate your invitation very much and I feel sure that the members of this committee are grateful to you for the invitation and we would be grateful for the opportunity to visit the reserves in Alberta. We, however, are faced with the completion of this investigation leading to the revision of the Act this year, and during the sessions of the House it would be impossible to make any trip of such magnitude. I do not know as I can make any further comment on that at the present time, except that we appreciate the invitation very much and I know those of us who investigated down in the maritimes, just a small part of the committee, we found it most valuable. Further than that at the present moment I cannot make any statement.

Mr. BLACKMORE: Mr. Chairman, I think the chief might tell us about the timber limit if you would give him a little more time, he evidently is ready to speak about timber limits.

The CHAIRMAN: Would you like to give us something on timber limits?

Chief CROW EAGLE: Yes, thank you Mr. Chairman. We have a situation on the Peigan reserve where there is a large stand of timber, which is estimated at some 10 to 20,000,000 feet of timber. We have been fighting for this band of Indians to get a sawmill of their own which they have the money in Ottawa for, it is around about \$80,000, but we could not get this money. In the first place the proposition was said that we were to have our own sawmill and something went wrong between the proposition and the Indians. We were told to surrender our timber limits.

Mr. CASTLEDEN: Who told you that, who advised you that, may I ask?

Chief CROW EAGLE: I think it is from Ottawa.

The CHAIRMAN: Who told you it was from Ottawa?

Chief CROW EAGLE: Mr. Gooderham, the inspector of Indians. The idea is this, that we are to surrender and have tenders with others for the timber limits. The highest bidder gets it and the stumpage goes direct to the band, that is to this band. And we did not like the idea because if we could get \$40,000 out of the stumpage fee we are not getting anything out of it because it goes direct to the band fund office. And when we go around and ask for some of this band fund we cannot get it. There might be the odd time we might be able to get a few dollars out of it for distribution, but that is not the idea we are driving at. The idea is the Indians are to teach themselves to operate their own projects, so as to learn what should be learned in the world. If the Indians are expected to learn civilization I believe it is civilization when the Indians can learn how to manage their own projects. The idea is this. They were to own their own project, the sawmill. We can cut the timber ourselves by the Indian boys and the Indian boys would earn their wages and provide their families instead of going to the Indian department and asking for assistance, relief, because it is a very big nuisance to the Indian department when we go to them to ask for assistance, relief. So therefore, we want to be in a position where we do not have to go to the Indian Branch of department of mines and resources for such relief as when we have sawed our timber into lumber and have our own lumberyard and then have the chances of selling our own lumber, we would not need to do that. In the meantime, there is the stumpage fee. We could also pay the stumpage fee from our own project. The stumpage fee goes to our band funds but the sale of the lumber, some of it has to go back to Ottawa in order to fill up the amount we have taken out for getting this project. And moreover we would be able to furnish proper homes on this reservation. And we, our people, we have to have a vote from this. I wrote our Honourable Mr. Glen, and in my letter I stated that the feeling of this band did not wish to vote. Just for this reason. Some years ago, I think it was in 1910, we were told to surrender, just like what our friend Mr. Gooderham has mentioned, for better results, so we could improve our reserve. At that time when we were told to surrender, the biggest majority of the Peigan Indians did not agree with this proposition and so the vote started. When the decision came out the biggest majority was against; however, the minority won the case so we had to surrender.

After that there was a man by the name of A. J. MacLean again asked for a lease on the reserve for his stock. There again we were told to vote and the biggest majority came out on top again; and it happened to be that I was one who was in the number who voted for it and I believe we were just fourteen of us voted for it. We won. But I was lucky at that time that I won.

So, just for these two reasons, we agreed to go through another vote. We just had a vote a little while ago. We had a chief there—the Indians didn't agree with him either because some way or another—I didn't want to bring this up but just to outline it—some way or another the band didn't agree with the chief so they said, all right, let us ask for his disposal. So we voted. The majority went against him by that vote and then we were told to vote again. The majority went against him again. But he is on there yet. So, I do not know; I cannot understand why it is that we are supposed to vote by a majority and on these three occasions a minority got away with it.

The CHAIRMAN: Thank you very much, Mr. Eagle. Mr. Laurie, for the benefit of the committee, you are secretary of this delegation; I have been wondering if you can tell us whether there is any way in which we could in future be of assistance to any delegation coming specially before this committee?

Mr. LAURIE: Well, Mr. Chairman, with your permission I would like to say something on the matter of accommodation. I think some steps should be taken to arrange proper accommodation for delegates coming in here.

The CHAIRMAN: Do you mean by that hotel reservations, I take it?

Mr. LAURIE: Yes, some arrangement should be made for hotel accommodation, for any kind of accommodation is very hard to get in Ottawa.

The CHAIRMAN: Yes, you have had some difficulty, I presume.

Mr. LAURIE: Yes, and that would apply to all delegations coming here.

The CHAIRMAN: You see, we as a government committee cannot very well do that, Mr. Laurie. We appreciate your position all right, but I do not very well see how members of this committee could recommend that accommodation be provided—

Mr. CASTLEDEN: He is talking about hotel accommodation. We should be able to take steps to make reservations, to see that there are reservations made for those people who are attending this committee as delegates, that they should be able to get rooms.

The CHAIRMAN: That is a difficulty. Is there anything else? Do you feel you have had an adequate hearing in this matter?

Mr. LAURIE: Mr. Chairman, we should have liked more time, much more time. You will appreciate our difficulty. We feel that the committee under the circumstances has done the very best it could do, and we are very, very grateful for your permission to remain with you in addition to the official delegates. It is something which has cheered the people of Alberta very much, the fact that they are being allowed to remain here for this hearing. Thank you all very much. To the committee I should like to say that our reception has been very, very fine, and on behalf of this delegation and all who support it we want to thank you.

The CHAIRMAN: We appreciate your coming here before us, and on behalf of the committee I want to extend to you that appreciation. We appreciate the cooperation you have given us in helping us in our deliberations in revising the Indian Act.

Mr. CASTLEDEN: Just as we close Mr. Crow Eagle was reporting to us some circumstances on his reserve. I am not sure whether I got him right or not. Do I understand it to be your point that on three different occasions; that once you voted against a timber lease; that once you voted against the leasing of land to one Mr. MacLean; and that once you voted against a chief who was rejected; then on each of these occasions the majority vote was disregarded? Is that the way you put it?

Mr. CROW EAGLE: Yes.

Mr. CASTLEDEN: Then your band vote means practically nothing to you?

Mr. CROW EAGLE: That is right.

Mr. CASTLEDEN: And your band then did not have the decision in these matters. That is what I wanted to clear about.

The CHAIRMAN: That is a matter I think we should ask Mr. Gooderham about.

Mr. CASTLEDEN: But I wanted to be sure that is actually what had occurred.

The CHAIRMAN: We will have an opportunity of going into that on another occasion.

Mr. CASTLEDEN: These gentlemen from the department will be here when we go into that?

The CHAIRMAN: Yes.

Mr. CASE: I think, Mr. Chairman, that we might quite properly comment on the very remarkable brief that the delegation have brought with them before this committee. I do not think they have overlooked very much in their brief even though they have lacked something in time in which to present it. I think that act should be commented upon.

Mr. CASTLEDEN: Could you give us any indication of the actual years in which those votes took place? Were they in 1889 or 1902? When were those votes taken—the one about lumbering, and the chief, the leasing of the land?

Mr. CROW EAGLE: I do not know exactly, but I believe the first one was in 1910.

Mr. CASTLEDEN: That is with regard to lumbering?

Mr. CROW EAGLE: The surrender of the land; I think it would be somewhere in the '20's; and this last one would be last year.

The CHAIRMAN: Thank you very much for the briefs and the evidence you have given us.

Mr. CASTLEDEN: Was that the surrender of the land or the timber rights?

Mr. CROW EAGLE: The land.

Mr. CASTLEDEN: Was that the actual surrendering of the land or just the surrendering of the timber rights; which was it?

Mr. CROW EAGLE: Surrender of the land in the first one.

Mr. CASTLEDEN: And the second one?

Mr. CROW EAGLE: The lease.

The committee adjourned to meet again on Thursday, April 24, at 11 o'clock a.m.

S. Doc
Canada - Indian Act
Office on the 19th
(SESSION 1947)



(SPECIAL JOINT COMMITTEE OF THE SENATE
AND THE HOUSE OF COMMONS

APPOINTED TO CONTINUE AND COMPLETE THE EXAMINATION
AND CONSIDERATION OF THE

(INDIAN ACT)

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 14.

THURSDAY, APRIL 24, 1947.

WITNESSES:

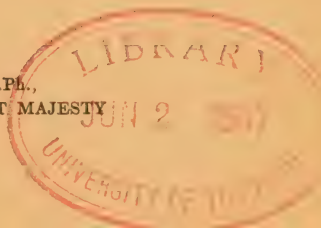
Mr. G. H. Gooderham, Inspector, Indian Agencies, Alberta; Mr. T. R. L.
MacInnes, Secretary, Indian Affairs Branch, Ottawa.

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1947



MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

Thursday, 24th April, 1947.

The Special Joint Committee appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 11 o'clock a.m.

Presiding: Mr. D. F. Brown, M.P., Joint Chairman.

Present:

The Senate: The Honourable Senators Blais, Macdonald (*Cardigan*) and Taylor—3.

The House of Commons: The Honourable Mr. Stirling and Messrs. Brown, Blackmore, Brunelle, Bryce, Case, Castleden, Charlton, Farquhar, Gariépy, Gibson (*Comox-Alberni*), Harkness, MacLean, MacNicol, Matthews (*Brandon*) (Vice Chairman), Raymond (*Wright*), Stanfield—17.

In attendance: (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; T. R. L. MacInnes, Secretary; M. McCrimmon, Reserves and Trusts; B. F. Neary, M.B.E., Superintendent, Welfare and Training; P. N. L. Phelan, Training; H. M. Jones, Supervisor, Family Allowances; Major D. M. MacKay, Commissioner for Indian Affairs, B.C.; G. H. Gooderham, Inspector, Indian Agencies, Alberta; D. H. Russell; G. Armstrong; K. L. Balderston; (Miss) K. Moodie; also John Callihoo, President, Indian Association of Alberta; also Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer.

The Chairman asked that the subcommittees organize forthwith in order to assist in expediting the work of the Joint Committee. Mr. Gariépy announced that the subcommittee of which he was subchairman would meet this day at 1.30 p.m.

Mr. T. R. L. MacInnes, Secretary, Indian Affairs Branch was recalled, made statement and was questioned thereon.

Mr. G. H. Gooderham, Inspector of Indian Agencies, Alberta, was recalled, and questioned.

Mr. John Callihoo, President, Indian Association of Alberta was questioned.

It was agreed that further questioning of these officials would be resumed at the next meeting.

The Committee adjourned at 12.35 p.m., to meet again on Friday next, 25th April, at 11 o'clock a.m.

T. L. McEVOY,

Clerk of the Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

April 24, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 11.00 a.m. Mr. D. F. Brown, M.P. (Joint Chairman), presided.

The CHAIRMAN: Gentlemen, will you come to order please? Recently, there have been three additional subcommittees set up. One is considering treaty rights and obligations under the sub-chairmanship of Mr. Gariepy; another subcommittee is concerned with the revision of the Indian Act under the sub-chairmanship of Senator McKeen; and the third subcommittee is concerned with education under the sub-chairmanship of Mr. Matthews. I wonder if the sub-chairmen of those committees would convene those committees today or tomorrow in order that they may commence work. The members of the Senate have now returned.

Mr. GARIEPY: Subcommittee No. 1 will meet at five o'clock this afternoon. Arrangements have been made and the secretary will send out the notices at noon.

The CHAIRMAN: That is your organizational meeting; what room?

Mr. GARIEPY: No. 268.

Mr. MACNICOL: If it is only an organizational meeting I would suggest you call it at 5.30 as there is another very important meeting commencing at four o'clock.

Mr. MATTHEWS: Could we have a list, Mr. Chairman, of the members of each subcommittee?

The CHAIRMAN: Yes, that will be found in the minutes of proceedings. Probably, I could read the list for you. On treaty rights and obligations, the Hon. Senators Taylor and Paterson and Messrs. Brown, Blackmore, Castleden, Gariepy and MacNicol; on the revision of the Indian Act, the Hon. Senators Taylor and McKeen and Messrs. Brown, Arsenault, Charlton, Farquhar and Richard.

Mr. CHARLTON: There was a change, Mr. Chairman, I am on the education subcommittee.

The CHAIRMAN: I am sorry, you were replaced by Mr. Church and then Mr. Church was replaced by our good friend the Hon. Mr. Stirling, so that list will now read, Brown, Arsenault, Stirling, Farquhar and Richard.

The education subcommittee will consist of the Hon. Senators Fallis and Taylor and Messrs. Brown, Brunelle, Case, Charlton, Matthews and Reid.

Those who are on the education subcommittee, in other words, Messrs. Case, Brunelle, Charlton and Reid will confer with Mr. Matthews. I am sure he will convene a meeting in very short order. Those on the subcommittee on treaty rights and obligations, Messrs. Blackmore, Castleden, MacNicol will meet with Mr. Gariepy. Those who are on the subcommittee on revision of the Act, Stirling, Farquhar and Richard will confer with Senator McKeen.

Mr. GARIEPY: My committee will meet at 5.30 this afternoon in room 268.

Mr. CHARLTON: Does that refer to all subcommittees

The CHAIRMAN: No, only to the subcommittee on treaty rights and obligations. Mr. Matthews will have to obtain some departmental material before his committee can be convened. Senator McKeen is not in the city at the moment—I am sorry, I am informed he is here now. Senator Taylor will see him about convening a meeting of that subcommittee.

Is there anything further in that connection?

Gentlemen, Tuesday afternoon there was some discussion about elections in the Peigan reserve in Alberta and with respect to timber leases. I wonder if we could call the Alberta inspector of Indian agencies, Mr. Gooderham, who is here. We also have Mr. MacInnes here and Mr. McCrimmon. They are all here in connection with these matters and probably they could give us some explanation on behalf of the department in regard to the evidence which was submitted. If it is your pleasure we will call Mr. MacInnes.

T. R. L. MacInnes, secretary of the Indian Affairs Branch, called:

The WITNESS: Mr. Chairman and honourable members of the committee, as I recall the question which was raised by Mr. Crow Eagle at your last session it concerned statements made that the Indians had voted to have removed or deposed, as we say under the Indian Act, their head chief whose names is Yellowhorn.

Now, I might explain, that the Indians of the Peigan band, like all the Indians in Alberta, are not under what are known as the election of chiefs provisions of the Indian Act. They are under what is known as the indefinite or life system. At the time the treaties were made in 1877 each band was recognized as being entitled to a chief and so many head men or councillors. They had certain rights under the treaty, extra annuity payments and so on for those head men and councillors. The tenure of office for these men was during good behaviour. They could be removed only by order in council for specified causes. Those causes included incompetency, intemperance, immorality, dishonesty.

When the Indians made their complaints against this Chief Yellowhorn, who had that status of what is known as a life chief, we investigated quite fully through the inspector of Indian agents, Mr. Gooderham, who is here, and the Indian agent Mr. MacMillan. We could not find that any ground existed which would warrant drastic action against him. On the contrary, the reports on the whole are to the effect he is a pretty good chief. Therefore, the department did not feel it would be warranted in recommending to the Governor in Council that this chief should be deposed from office.

I might mention in connection with this question that we have the election provisions of the Indian Act under which, instead of holding office for life, the chiefs and councillors are elected for two months in one case and three years in the other, and, in a more advanced method, every year. Both these election systems have to be applied by special order in council when the bands are considered sufficiently advanced to take on that new form of government which corresponds, roughly, to municipal government, in a rural municipality. Now, it has not been deemed advisable, so far, to apply that to the province of Alberta although consideration is being given to doing so. One thing which creates the need for going slowly on it, in the minds of departmental officials, is the desire to see just what sort of new election provisions will be put into the new Act and how those provisions would fit into the needs of the western Indians.

By Mr. Case:

Q. Did the department ask the Indians to hold the elections on the Peigan reserve?—A. No.

Q. They did that on their own?—A. Yes.

By Mr. Castleden:

Q. What year was that?—A. It was a year ago when the Indians got together and held a meeting at which meeting they resolved that Chief Yellowhorn should be deposed—removed from office. It was about March of 1946.

By Mr. Case:

Q. You do not know how representative a meeting that was?—A. The meeting was representative and there was a majority vote of the male voting members. However, the band did not have the power to remove the chief; that could be done only by the Governor in Council and for specified causes.

By Mr. Castleden:

Q. How is it decided which of these bands have a right to elect a chief and which have not?—A. By order in council of 1889 which applied election provisions to all the bands in eastern Canada, that is Ontario inclusive and east. It was also applied on special representations to a few bands in the west, but only one in Saskatchewan, the Cowessess band, two bands in Alberta and a number in British Columbia, about eight in British Columbia, I think. The rest of the bands in the west remained under what is known as the tribal system.

By Hon. Mr. Stirling:

Q. Was that resolution carried by a sweeping margin or only a narrow one?—A. Perhaps the inspector, Mr. Gooderham, will recall that better than I do, but I believe it was by a substantial majority. My recollection is there were some 51 votes against the chief and that the number in his favour was only about one-third of that. Nevertheless, there were no charges substantiated against him.

By Mr. Case:

Q. Are the provisions written in the treaty concerning the election privileges for the appointing of a chief for life; is that part of the treaty?—A. No, it is not part of the treaty that the chief be appointed for life. The treaty specifies that each band—this is treaty No. 7 of which I am speaking, of the Blackfeet treaty—

Mr. FARQUHAR: Is it the plan that we ask questions as we go along?

The CHAIRMAN: I was just about to lower my gavel for order. I have been rather lenient. However, I should like to leave that to the committee. Is it your pleasure now that we hear Mr. MacInnes or that we question Mr. MacInnes?

Mr. CASE: I think we should question him as we go along. He is not presenting a brief.

The CHAIRMAN: Have you anything else you desire to present before we start asking questions?

The WITNESS: I have nothing to present other than what I have said. I will answer any questions you have to ask.

The CHAIRMAN: Have you presented all you care to present in answering what has gone before?

The WITNESS: Yes.

The CHAIRMAN: If you are asking questions, I would ask you to be as brief as possible because we have Mr. Gooderham and the other officials here. Have you any other questions, Mr. Case?

Mr. CASE: I have my questions answered, but I think he was just about to answer how this matter was fixed.

The WITNESS: Provision for the election system is contained in the Indian Act and the Act also recognizes the status of these life chiefs who are not elected. The Act provides, in the election sections, that life chiefs and councillors—and this particular case comes in that category—may continue to hold rank until death or resignation or until their removal by the Governor in Council for dishonesty, intemperance, immorality or incompetence.

Mr. BRYCE: Well, this is something unusual. Have you had many cases like this?

The WITNESS: Quite a number; because groups of Indians for one reason or another become dissatisfied with their chief and councillors and present a petition against them, and they are dealt with, each case on the merits. In some cases action is recommended to the Governor in Council for disposal if it is found they come within the scope of the Act.

Mr. CASE: What happens to the chief then?

The WITNESS: In a case where the election system has not been applying, we follow the band custom. We have a meeting of the Indians—not a formal election but a meeting—where the majority opinion can be ascertained and unless there can be some serious objection to that it is recognized by the department and the person or group is dealt with.

Mr. CASE: Is that by order in council?

The WITNESS: No, that does not require an order in council.

Mr. BRYCE: The department retains the right to say who will be chief?

The WITNESS: No, no, we do not do that. The opinion we have from our legal officers is that in cases of bands not under the election system we have nothing to do with selecting the personnel, the chief. Once he is recognized then he acquires status under the Act and can be removed only by the Governor in Council. There is a little awkwardness, or inconsistency there. He comes in through the band and goes out only by order of the Governor in Council. That is a point that might be changed in the Act.

Mr. BRYCE: But you do not always take the recommendation of the band?

The WITNESS: That is as to who will be chief? We do now, yes. There was a time when we rejected the band's decision but we were told that under the Act we did not have the right.

Mr. CASE: If the father is appointed for life, have the heirs any claim?

The WITNESS: No, it is not hereditary. In some bands the practice is, while they remain under band custom, to make it hereditary and let the son of the previous chief succeed. If that is the band's custom we do not interfere whatsoever, until such times as we might apply the election provisions of the Act and then the people concerned go in for a three year term.

Mr. CASTLEDEN: Why do you differentiate and allow the Indians in the eastern part of Canada, from Ontario east, to elect a chief and yet you do not allow that privilege to the western bands.

The WITNESS: Well, to the best of my knowledge the reason is this: Until recent years there has been very little demand from the western Indians to come under the election system and furthermore there was considerable reluctance on their part to give up their tribal organization in favour of the rural municipal set-up. Now most of the officers in the field, who were best able to

judge what the requirements of the Indians were, thought that in the west it would have a very disturbing effect if these old life chiefs—you must remember some of them have been in office for forty years or more—were put out and elections started.

Now, I may say that during the last three or four years the department has given detailed consideration to applying the election system to satisfy the bands, but in view of the fact that the Indian Act is to be revised by this committee, and the whole problem of election and the electing sections is to be reviewed, it was thought that before making any general move to introduce the election system to the western bands we would wait for the revision of the Act and see what the election provisions would be. Undoubtedly—these election provisions of the Act, which are very old—they have been there for some seventy odd years, nearly—require overhauling and reviewing to make them so they would be suitable to the Indians not only in the east but in the west and all over the country.

Mr. CASTLEDEN: It would be helpful to this committee to know, if we are to change the Act, whether or not it would be advisable to have the election system changed.

The brief of the Alberta Indian Association is very emphatic in the statement on pages 36, 37 and 38 that they desire that the right to elect their chief be granted to them, that the band should be given the power. They say "we cannot develop ourselves if we are not given some exercise of our powers", and they state very emphatically the Indians should be allowed to elect their council and manage their affairs.

The CHAIRMAN: Gentlemen, do you think we could leave the discussion of the revision of the Act until we have the Act before us for revision. Sections 6 to 99A are the election provisions of the Indian Act—that is, for the election of a chief. Now, when we come to revising the Act, let us discuss all this at that time.

Mr. CASTLEDEN: We want the opinion of the officials.

The CHAIRMAN: We will have the officials here at that time.

Mr. MACNICOL: Why did the matter start at all; we have been talking on it for half an hour?

The CHAIRMAN: It is like the porcupine quill; it takes but a very small beginning but later it is a little difficult to get out. The matter came up at our last session.

Mr. MACNICOL: Did the witness not bring it up this morning?

The CHAIRMAN: Perhaps the witness did, but I am now asking you to leave until such time as we have a discussion on the revision of the Act. If you want to discuss it further with Mr. MacInnes it is entirely for the pleasure of this committee.

Mr. MACNICOL: I would like to know a little more about it.

The CHAIRMAN: I do not think we should go into the revision of the Act to-day.

Mr. CASE: I think we should ask questions, but we do not want our own opinions.

The CHAIRMAN: You can have Mr. MacInnes here later on but you will not have Mr. Gooderham after to-morrow.

Mr. BLACKMORE: I would like to ask for the opinion of the witness. With long experience in dealing with Indians and Indian matters, has he any suggestion he would like to make as to how the revision of the Act should be carried out in this connection.

The WITNESS: Well, Mr. Chairman, in reply to that question I might say that a revision of the proposed sections has been drawn up by the departmental solicitor in consultation with officials, including myself, and there is a good deal of detail involved. Broadly speaking, if I might express what I consider the view of the department on the matter, it is this. Just as soon as possible the Act should be made so that it will apply and can be applied generally and practically to all the groups of Indians in Canada, including western Indians and that is what we are aiming at. As I understand your question, that is the department's view on the subject.

Mr. BLACKMORE: You mean to give Indians more power in the matter of electing their own chiefs?

The WITNESS: To put them under an election system, with regular intervals, and with powers to make bylaws, and in short to have what we have set up as a sort of municipal election system, a rural election system.

The CHAIRMAN: Gentlemen, would you consider this suggestion which has just been made? That we have Mr. Gooderham, Mr. MacInnes and Mr. McCrimmon sit up there, and ask all of them questions? Mr. Gooderham will not be here later. You are now asking questions on subjects which will be dealt with in detail later, but you will not have Mr. Gooderham then.

Mr. MacNICOL: I cannot get through my head how this discussion was started; we have been at it for the last half hour.

Mr. HOEY: Mr. MacNicol, I think I can explain that in a sentence. The last witness made a statement—

Mr. FARQUHAR: Would you speak a little louder?

Mr. HOEY: The last witness from Alberta, at the close of the proceedings on Tuesday last, made the statement that the Peigan Indians had a vote at which an overwhelming majority had decided to remove their chief. The witness said a resolution to that effect had reached the department but the department had ignored their wishes—the band's wishes had been ignored by departmental officials. In view of the fact that the ignoring process had taken place since I became director I was a little disturbed and I thought it would be a good thing if Mr. MacInnes answered it this morning while we still had an Indian representative from Alberta here with us.

The CHAIRMAN: We have gotten away from the question by talking about revising the Indian Act. Now, we have a subcommittee on the revision of the Indian Act which will go into that whole matter of revision, clause by clause and section by section as will this main committee. Now if it is your wish to go into a discussion on the revision of the Indian Act that is purely within the province of the committee, but I am warning you Mr. Gooderham will not be here after to-morrow. If you do not want to hear Mr. Gooderham now just go ahead and ask Mr. MacInnes questions.

Mr. CASE: If you want to call Mr. Gooderham now I suggest you do so.

Mr. MATTHEWS: I think the point that was raised by Mr. Hoey has been very well cleared up by Mr. MacInnes. I think the explanation is satisfactory.

Mr. MacNICOL: It is not satisfactory to me.

The CHAIRMAN: Let us hear Mr. Matthews.

Mr. MATTHEWS: I am only saying it is satisfactory to me, Mr. MacNicol can use his own judgment.

Mr. FARQUHAR: I think so too, and I think the other gentleman should be heard and we could ask questions of Mr. MacInnes later.

Mr. MacNICOL: I was just saying it was not satisfactory to me, I want to go back to before the white man came.

The CHAIRMAN: Is that not a matter for the revision of the Act?

Mr. MACNICOL: Mr. Chairman, the whole morning has been a failure.

The CHAIRMAN: I do not agree.

Mr. MACNICOL: You are upsetting everything. You put a witness in the air and he makes a deposition and before he gets through you want to throw him out.

Mr. CASE: I think Mr. MacNicol's handicap is that he was not here at the Tuesday meeting when all that evidence was given.

Mr. MACNICOL: No, that is not it at all.

The CHAIRMAN: Can we now say we will hear Mr. Gooderham?

Mr. BLACKMORE: Mr. Chairman, I do submit, since you started going all around the committee, you should give each member a chance to ask questions.

The CHAIRMAN: Supposing then, we confine the discussion to the answer given by the witness with respect to the election in the Peigan reserve as brought out by the witness at the last session. Would you like to ask a question on that?

Mr. BLACKMORE: Yes. I would like to know whether or not this information was conveyed to the Peigan reserve Indians so that they had a chance to understand this thing which Mr. MacInnes has told us about. If it was conveyed to them, by whom was it conveyed to them; and what assurance was had that they understood it.

The WITNESS: It was conveyed to the inspector of Indian agencies and he can say in what form it was conveyed by him to the Indians. I presume it was explained to the Indians because that was the established practice in conveying things to our inspector or agency by whom it is to be explained to the band.

Mr. BLACKMORE: I would just like to know, Mr. Chairman, why it was that the Indians have such a strong feeling on this matter as was expressed by a witness whom we heard here Tuesday. So, if I may, I should like to go into this matter just a little further. I do not know whether it is in order to ask Mr. Gooderham to make a statement about the matter.

The CHAIRMAN: I am going to call Mr. Gooderham when you are through with Mr. MacInnes and ask him a few points.

Mr. BLACKMORE: I am not sure that I want him to take the stand in place of Mr. MacInnes yet as I still have some questions I want to ask Mr. MacInnes.

The CHAIRMAN: The point is this, that we have Mr. Gooderham here and will soon be going back to Alberta.

Mr. BLACKMORE: I think your suggestion a moment ago was a good one, Mr. Chairman, that you have Mr. Gooderham at the table along with Mr. MacInnes.

The CHAIRMAN: Is that the pleasure of the committee?

Carried.

All right, Mr. Gooderham, will you please come up to the table here.

Now, Mr. Blackmore, would you care to put your questions to Mr. Gooderham?

Mr. BLACKMORE: Yes. I would like to have Mr. Gooderham tell the committee just what steps he took to make sure that the Peigan Indians understood the situation.

Mr. GOODERHAM: In the first place, to explain this whole thing; the Indians felt that this old man was not up-to-date in his thoughts, in the development of the reserve program. They had the idea that he was incompetent. Under the action of the Act they were all quite aware of the rights and the status of the chief. He was chosen, but he could be removed only by order in council for dishonesty, intemperance, immorality or incompetency. They had nothing to say about dishonesty, or intemperance, or immorality, although they may have

felt that he was to a degree incompetent. So, to be sure that that was the feeling of the greatest number I had the Indian agent call a second general meeting in which they again were in a good majority who felt that the man was incompetent. We reported that to the department and the reply was that their interpretation of incompetency was that incompetency had to be either physical or mental in character, and that this man could not be considered either physically or mentally incompetent; and for that reason the department could not see their way clear to have this man removed from office. This in turn was submitted to the Indian agent in writing, in detail. I also spoke to the witness who was here yesterday and explained this whole matter, at least I tried to explain it to him; that under existing condition it was only on those four points that a chief could be removed or that that they could expect to have him removed; and that under the system as it is there is no alternative but to leave him there until we found there was something before the department under which they could find sufficient reason to have him removed. That is the way it stood. Now, you ask what I did. All I did was to have this matter,—I had not been to the reserve since that decision was made to have a council meeting—I had a talk with the Indian agent, Mr. MacMillan, in which I asked him to make that as clear as possible to them. Now, that is how it stands.

Mr. LICKERS: So far as the department is concerned unsuitability did not amount to incompetency?

Mr. GOODERHAM: That is the interpretation.

Mr. MacNICOL: I want to go back further than that.

Mr. GOODERHAM: Yes, sir.

Mr. MacNICOL: What was the tribal custom; it may be that you would have no records available on it, but what was the custom before the white man came; what would that tribe have done a hundred years ago? Of course, you would have no record on that probably.

Mr. GOODERHAM: I do not know, I think Mr. Callihoo could go further back than I can. I would not know how to answer that.

Mr. MacNICOL: Is Mr. Callihoo here?

Mr. GOODERHAM: Yes, he is right behind you.

Mr. MacNICOL: Is he a Peigan?

Mr. GOODERHAM: No, he is a Cree from the north.

Mr. CASTLEDEN: But he speaks for the Indian association of Alberta.

Mr. GOODERHAM: I think Mr. Callihoo would know all right. You know what the question is, Mr. Callihoo? How were your chiefs got rid of in the old days before we came among them?

Mr. CALLIHOO: I don't know a thing about that. But according to what we are talking about our understanding from the treaty and what the Indian agent told us about it was that any chief who was chief at the time this treaty was signed continued a chief for the balance of his lifetime. In any other case where a chief was elected he was supposed to be elected for a term of three years.

Mr. CASTLEDEN: Do you do that on your reserve?

Mr. CALLIHOO: We are not allowed to vote. We have asked for an election I don't know how many times from the Indian agent but we have not been able to get one.

Mr. CASTLEDEN: Would you tell us how you choose your chiefs now?

Mr. CALLIHOO: We understand that according to the Indian Act we are supposed to choose our chief every three years, but we are not allowed to do that.

Mr. CASTLEDEN: Not the western Indians. According to the evidence given here the western Indians are not allowed to do that.

The WITNESS: Might I clear that up, Mr. Chairman?

The CHAIRMAN: Yes.

The WITNESS: The election provisions in section 96 of the Indian Act must be applied by special order in council and that has not been done as yet in the case of any band in Alberta, and it is possible there may have been a misunderstanding on the part of one Indian agent about that; but that section of the Act is operative only in any band of Indians when there is an order in council authorizing its application, and that has not yet been done in Alberta.

Mr. BLACKMORE: May I ask a question here, Mr. Chairman?

The CHAIRMAN: Mr. Blackmore.

Mr. BLACKMORE: I gather from what Mr. Callihoo has said that the understanding of the Indian was when they signed the treaty there was an agreement then that they were to be able to elect a chief every three years—

The CHAIRMAN: Mr. Blackmore, when you turn and speak away from the committee we cannot hear what you are saying.

Mr. BLACKMORE: I am sorry, Mr. Chairman. My understanding was that Mr. Callihoo understood that when the treaty was signed it was provided in the treaty that the Indians should elect their chief every three years.

Mr. CALLIHOO: No, Mr. Blackmore, it is not that. What I was trying to say is this, that we learned from our Indian agent that chiefs who were chiefs when the treaty was signed were supposed to be chiefs during their lifetime, and following that we were to elect our chiefs every three years, to elect them for a term of three years. That was the understanding we had.

The CHAIRMAN: Will you answer that, Mr. Gooderham or Mr. MacInnes?

The WITNESS: I think I can answer that. Just as I was saying, that is the understanding; provided an order in council is passed to bring it into operation; and for administrative reasons which I have indicated it has not as yet been done in the province of Alberta.

Mr. CASTLEDEN: That leads to this point then; chiefs who were chiefs at the time of the signing of the treaty continued to remain chiefs until their death?

Mr. CALLIHOO: Yes.

Mr. CASTLEDEN: Then as far as the western Canadian Indian is concerned, they have no right to elect their own chief since orders in council have not been passed granting them that right. I would like to know how your chiefs are chosen now. Can you explain how you go about getting a new chief for your band at the present time?

Mr. CALLIHOO: Our last chief—and that was quite a few years ago—according to the Indian Act, and the Act was changed, it said that we had to nominate members of the band for that office. That is according to the old Indian Act; and that a certain time after we were supposed to have an election. But when the old chief resigned then the agent came along and says, you'll have to get a meeting. So right that day they nominated a couple of men to run, but they never waited the ten days.

Mr. BLACKMORE: And, who nominated these two men, the Indians?

Mr. CALLIHOO: The Indians just nominated them.

Mr. CASTLEDEN: When selecting a chief you nominate two or three?

Mr. CALLIHOO: We vote on them.

Mr. BLACKMORE: Do they choose the one you vote for or the other one?

Mr. CALLIHOO: We voted. We lose our majority.

The CHAIRMAN: Would you like to comment on that, Mr. Gooderham?

Mr. GOODERHAM: Yes, I would, sir. Just so you will understand our problems in the field, the last twenty-five years it has been my experience that we are out to educate the Indian, and as far back as twenty-five years ago I have always called people together in the band, and when there was a choice to be made—my experience prior to that was that the chief—well, you didn't actually have a vote taken, but if taken it always was an open vote, not a secret vote. There was always the noisy, talkative chap who engineered his candidature and kept him before them, and the others more or less fell in line and the best man was not always chosen for the job. So we said, here is what we will do hereafter we will have you vote, but you understand in the first instance that your vote does not say that you elect the man with the biggest majority; he will be your choice, and if your choice on our report to the department, if favourable to that particular individual you will likely get that man as your chief or councillor; and that has progressed very well. I might say that here the other day you had a young chief from the Sarcee, one who has been a chief only for two months.

The CHAIRMAN: What is his name?

Mr. GOODERHAM: David Crowchild. We want first to educate the Sarcee Indians in the matter of voting. We hope and expect, and every band in the province I think expects and hopes, that they will have the elective system and nothing else very shortly, but a certain amount of education is needed before it becomes fully effective. What we have done so far as this, we have gone through the process of having certain nominations followed by the posting of the names of candidates. We also require that they have a sufficient number of names at the bottom of their nomination paper, because we could not take every person whose name might be put in, you might have every Indian in the band placed in nomination. We had to have sufficient support to signify that the candidate would be representative of some people at least. We have even gone so far as to borrow ballot boxes from the city of Calgary. We also had what you call the free vote; and then we had secret elections from nine o'clock in the morning until five at night, with the ballot boxes being sealed and brought back and opened up. We had the police there. It was all done for a purpose. We had one chief and two councillors to elect. They were really under this system, but to all intents and purposes it was an election. It happened that the three men of their choice were the same as our recommendation. The man on the spot is not going to recommend somebody who does not represent the Indians. We do want the Indians to run their own affairs.

While I am on the subject I might say you heard Yellowfly from the Blackfoot band. The Blackfeet have a very large band fund, and a tremendous amount of responsibility lies upon the band. The majority of their councillors are life chiefs of great age. If you did not have men like Yellowfly on the council you would have a desperate time explaining the financial setup. For some time they have been debating whether they should continue entirely—

Mr. MACNICOL: Continue what?

Mr. GOODERHAM: The old idea of chosen chiefs.

The CHAIRMAN: Hereditary?

Mr. GOODERHAM: Not necessarily hereditary, chosen.

The CHAIRMAN: Chosen for life.

Mr. GOODERHAM: On request they had a plebiscite last fall to find out what the wish of the majority was. I think the result of the plebiscite was 75 per cent in favour of elections and retaining the old chiefs as it is stated in the Act, that the older life chiefs shall remain and the councillors shall remain and hold their treaty coat and their title and all the rest of it, but shall have no voting power unless at the elections they succeed in getting one of the elective positions.

ere is the situation. It is pretty well general. I do not think that in a very great number of years any Indian agent has tried to force upon the band, his choice or the choice of the department whom he represents. He has tried to get the Indians by this voting system to approve what they want.

Mr. CASE: While they do not elect their chiefs in western Canada do they elect their councillors?

Mr. GOODERHAM: No, councillors and chiefs are both the same. When we talk of chiefs we refer to both.

The WITNESS: I should like to say this to clear up one point that seems to have been causing a little misunderstanding here. I might say under the present policy and for some years back the department never recognized anything but the choice of the Indians in filling vacancies for chief and councillors, whether or not under the elective system. That is the present practice, that we would not accept any one who was not the majority choice of the Indians.

Mr. CASTLEDEN: Do I understand in every case where the Indians have elected the Indian agent has selected the one that had the majority?

The WITNESS: No, the Indian agent reports to Ottawa and is instructed to report what the choice of the Indians is, and I say we never recognize any choice other than the choice of the Indians under the present policy.

Mr. CASTLEDEN: Has that worked out, Mr. Callihoo? Would you say that was so from your experience with the Indians?

Mr. CALLIHOO: That is what we are led to understand but it does not really work. I am not denying what you say, but the Indians away back there at the Indian reserve do not know what is really going on here in Ottawa, and I presume the officers in Ottawa do not really know what is going on at the other end either. All they know is what they learn from the reports they get from the agent, and that is only one side of the story.

Mr. CASTLEDEN: Do you see the reports that are sent to Ottawa?

Mr. CALLIHOO: What is that?

Mr. CASTLEDEN: Does the band see the reports which are sent to Ottawa?

Mr. CALLIHOO: I am very sorry my secretary has gone away with some letters I wanted to have here, we did not have time to get everything ready. I got my telegram just the night before I left, so I could not bring anything along. I forget what you asked me.

Mr. CASTLEDEN: I wanted to know whether the band knew what was reported to Ottawa?

Mr. CALLIHOO: No, because in the instructions we get from the department it says that we have to make all our complaints and all our reports through the Indian agent. Many many times we have tried to make complaints against our Indian agent through himself, but that would not do. It never would.

The CHAIRMAN: Any further questions?

Mr. MACNICOL: I have not got started yet. I have tried three or four times, but I like to pursue a thing and follow it through without interruption.

The CHAIRMAN: As long as it is on the subject I think there is no objection.

Mr. MACNICOL: I can plainly see there is a grievance somewhere, and this committee should find out the full roots of the grievance.

The CHAIRMAN: Fine.

Mr. MACNICOL: And if possible eliminate it. I did not quite catch the name of the chief.

The CHAIRMAN: Callihoo.

Mr. MACNICOL: He is of the Plain Crees?

Mr. CALLIHOO: Yes.

Mr. MACNICOL: I would go back further. I think the department should go back to the commencement of things. You know far better than I do that the Blackfeet were the premier tribe and that they had several allied tribes such as the Peigans and the Bloods. I do not know whether or not they were the same people but they were the premier tribe because it was always called the Blackfoot confederation. What I should like to find out is how did the Blackfeet elect their chiefs?

Mr. GOODERHAM: I will tell you how it was originally. When the treaties were made, at the signing of the treaty—

Mr. MACNICOL: That was under Crowfoot?

Mr. GOODERHAM: At the signing of the treaty the treaty commissioner or representative of the Crown picked out the leading men whom he saw at the meeting, the men who had made a prominent contribution to the signing of the treaty. They were made chiefs and councillors right there.

Mr. MACNICOL: Just a minute; are you correct?

Mr. GOODERHAM: I think so.

Mr. MACNICOL: At the Blackfoot Crossing treaty signing Crowfoot was the paramount chief, was he not?

Mr. GOODERHAM: Yes.

Mr. MACNICOL: Do you mean to tell me the department picked him out?

Mr. GOODERHAM: They had to recognize him as a representative.

Mr. MACNICOL: No, no.

The CHAIRMAN: I think we are asking the witness questions.

Mr. MACNICOL: The witness is saying one thing.

The CHAIRMAN: And you disagree with him.

Mr. MACNICOL: I am only quoting history. The paramount chief was Crowfoot. How was Crowfoot picked out?

Mr. GOODERHAM: He was the recognized generalissimo of the Indians.

Mr. MACNICOL: Exactly.

Mr. GOODERHAM: But in order to establish him as a representative of the Indians the treaty commissioner at that time said, "Well, you become an official. We know you are a chief, but officially you become on our books the chief of the Blackfeet." I cannot think of the names offhand of the different Indians who were designated to whatever bands they represented, but officially they came on the books of the department as recognized chiefs and councillors from that time. Is that clear?

Mr. CASE: Their signatures to the treaty would be valid?

Mr. GOODERHAM: That is right. They are officially put into the position they had held hereditarily.

Mr. MACNICOL: How did they get that position originally?

Mr. GOODERHAM: They were leaders; they were chieftains. They were very prominent. I suppose the leader comes to the top in everything, but a man like Crowfoot was a leader, and a wonderful leader. Naturally the commissioner recognized his leadership, officially recognized him. Possibly through Crowfoot he picked out the councillors. It may be that Crowfoot suggested them to the smaller bands. Their names and signatures are all there in the treaty. Some of those have been more or less hereditary but it has been the choice of the band nevertheless from then on.

Mr. MACNICOL: Is there any record of all the chiefs of the Blackfoot band who followed Crowfoot?

Mr. GOODERHAM: Pardon?

Mr. MACNICOL: Have you a record of the chiefs who succeeded Crowfoot?

Mr. GOODERHAM: Yes, sir.

Mr. MACNICOL: Of the Blackfoot band?

Mr. GOODERHAM: Yes.

Mr. MACNICOL: How was each one of those chiefs selected?

Mr. GOODERHAM: They were the choice of the band in practically every instance. I cannot go back to 1877. There were three main bands of the Blackfoot. At that time there was Crowfoot, and there was Old Sun, and there was another man, Running Rabbit, the present chief's father. Finally as time went on as they all lived on one block of land, they merged and became one band. There were a lot of little bands, and each little band had a chief who was chief of his little family compact, so to speak.

Mr. MACNICOL: Who is the present chief of the Blackfeet?

Mr. GOODERHAM: Duck Chief, the son of Running Rabbit who was one of the original chiefs.

Mr. MACNICOL: After he passes how would you select a chief?

Mr. GOODERHAM: Duck Chief did not follow his father. In the interim there were other chiefs, but eventually he gained the choice. As a matter of fact, it was in my regime. We had two candidates for the position. It was away back in the early 20's. The other man said that Duck Chief had got in wrongly because Duck Chief's brother stood outside the voting place and handed out cigars!

The CHAIRMAN: Gentlemen, this is all tremendously interesting, but how is going to lead to the revision of the Indian Act I do not see, especially when we still have such vital questions as timber rights and contracts on which we could like to question Mr. Gooderham between now and the time he leaves.

Mr. MACNICOL: I do not know anything you can do to eliminate the grievances from the Indians that will be more effective than to make some provisions to eliminate the grievance presented the other day. That is what I am trying to get at.

Mr. CASE: I think their brief establishes pretty well what they are seeking, but I should like to ask Mr. Gooderham about a statement made by Chief Crow Eagle. He said that the department had advised them to surrender certain timber lands against their wishes.

Mr. GOODERHAM: When I came into my present work in 1946 it was brought to my attention that there was a timber limit of the Peigans some distance to the west, and on which a report had been made by the forestry head of Alberta to show that there was roughly 10,000,000 feet of good lumber. I believe the question of disposition had been taken up the previous fall by Mr. D. J. Allan. It was brought to his attention. He had suggested that something should be done about turning some part of it into cash. It was our feeling that it would be an excellent idea, as we are now doing it in the north, to have the Indians start developing that industry themselves. Although the Indians at first in 1946 were loath to assume a responsibility that they had never had, of logging and lumbering, I thought possibly it would be better if they would reconsider it. They did at a meeting in the early fall and said that they would like to take out of their band fund, which by the way totals about \$80,000, a sum sufficient to buy equipment and start up a small camp to log and mill some of this lumber.

They had to have this money, and they considered that about \$10,000 would be necessary. We looked around. It was very difficult to get equipment last fall and very expensive. There was also the fact that you had to create a camp. When I came to Ottawa I brought before the officials of the branch the fact that these Indians wanted to do that. After conferences the officials felt it was taking really too much of the capital of this band, which was only \$80,000, and putting it into a venture which none of us knew much about. I know nothing about lumbering. I knew the Indian agent knew nothing about lumbering or the organization of a lumber camp.

At that time we had nobody to whom we could go as a mill man or a lumber man who could do the work for us, so we were loath to start, and it was suggested that the Indians be approached then to surrender this timber limit for sale on condition that possibly they could become employed by the firm that might get the contract or get the lumber or part of it.

Those were my instructions when I went back, knowing that we might not make a very great success of it in such a short time. These Indians, by the way, had not done any lumbering like the northern Indians who have worked in lumber mills a great deal. I told these Indians what the departmental official said, and did suggest that they might first of all consider the surrender of an area to cover not over 1,000,000 feet, and with the returns from that they might then proceed to do the work on their own. That is where the thing stands today. They did want to spend their money on this venture. Last winter was a most difficult and impossible time for us to start with the heavy snow. No further action has been taken, but it is proposed to go into this more definitely this year. We are now having a conference with the director of Dominion forestry here to get another survey.

Mr. MACNICOL: Did you mean a million feet board measure?

Mr. GOODERHAM: Yes, that is what it would be, sir. I may say, gentlemen, I started coal mining on this basis on the Blackfeet reserve many years ago. You can soon create a great many complications if you are not trained in it. We do not want to rush into new ventures with people who have never had any experience and then find it a failure. It would do more harm than good.

The CHAIRMAN: In other words, you have a respect for the taxpayer's money?

Mr. GOODERHAM: It is mostly band funds, so there would not be much of the taxpayer's money involved, but we thought of that.

Mr. CASE: The Indians actually surrendered a million feet of timber?

Mr. GOODERHAM: They have not surrendered anything as yet.

Mr. CASE: They have not?

Mr. GOODERHAM: No, sir, they did not. I said there was no rush, it was during the winter season and whether they would consider that or not, I did not know. They still felt they would like to go out and try it themselves.

Mr. CASE: You heard the Indians the other day declare that they had surrendered the whole thing?

Mr. GOODERHAM: Sir, they have not surrendered anything. All the Indians have done is to pass a resolution to spend their money on this venture.

The CHAIRMAN: Mr. Lickers would like to ask you a question.

Mr. LICKERS: My question is in connection with the evidence of Mr. Callihoo. I think he said that in 1911 the Indians on his reserve surrendered timber for a little over \$300. Then, he found out afterwards the chap to whom this was surrendered made \$20,000 profit; is that an actual fact?

Mr. GOODERHAM: I do not know, sir.

Mr. CASE: My recollection is that Crow Eagle was under the impression he had surrendered it, so I am rather at a loss to understand the matter.

Mr. GOODERHAM: Crow Eagle does not speak English very fluently. I do not think he meant to say that. I think he meant to say that they had passed resolution to go ahead with the project, but they certainly have not surrendered anything. I do not believe they intend to surrender anything. They want to go out and do the work and I am right behind the Indian for thinking he can do that if we are not going to run into a lot of difficulty and waste money.

Mr. CASTLEDEN: Supposing the band agrees to surrender a million feet, what would be the procedure in regard to it?

Mr. GOODERHAM: I am not familiar with that. I think you would have to ask Mr. McCrimmon who has been in charge of that work for many years. This is new to me.

Mr. HOEY: In a word, it is done by public tender.

Mr. CASE: If the band agrees to surrender.

Mr. CASTLEDEN: Is this timber ever surrendered without the permission of the band?

Mr. HOEY: Never to my knowledge, not in my day.

Mr. GIBSON: It might be possible to secure a white contractor and put him on a per thousand basis. The Indians would gradually be able to acquire enough knowledge to run it themselves. I think something could be worked out. I think you would have to have some skilled help in there.

Mr. GOODERHAM: I would not be responsible for taking \$10,000 of their money or the country's money unless I was satisfied we had an organization or manager who was not going to waste it. It could be wasted quite easily from what I have heard about the lumber business.

The CHAIRMAN: Mr. Gibson, you have had a wide experience in that business, would you care to make any comment?

Mr. GIBSON: Nothing beyond what I have said. It should be possible to obtain a competent white man to go in there to look after the logging and milling on a contract basis.

Mr. GOODERHAM: The difficulty is to get a man who will allow the Indians to do the work.

Mr. GIBSON: That could be part of the contract.

Mr. GOODERHAM: That was suggested by the Indians after I came back last fall.

Mr. MacNICOL: I should like to ask Mr. Lickers what is the complete significance of the question he asked, that the Indians had sold some timber for \$300 for which the timber operator received \$100,000.

The CHAIRMAN: \$20,000. That was the evidence given by Mr. Callihoo, and I understand that occurred in 1911.

Mr. GIBSON: I may say that in British Columbia I have found the Indian departmental officials very capable in handling the Indian timber when the Indians decide they are going to sell. A high price is usually secured.

Mr. MacNICOL: You would not call that very good, \$300 received by the Indian when the operator received \$20,000.

Mr. GIBSON: Oh well, that was in 1911.

Mr. CASE: It was on a stumpage basis, so it did not seem too bad on that basis. I know of cases where some of the forests of Ontario were sold about that period for not very much more.

Mr. MacNICOL: I know, but the Indians received only \$300.

The CHAIRMAN: I know, and there are cases in which white Indians, as Mr. Marquhar suggests, got very little more in Ontario.

Mr. MacNICOL: We are not dealing with them.

The CHAIRMAN: Neither are we going back as far as 1911 to review all the affairs of the Indian department.

Mr. CASTLEDEN: In view of the fact there are large quantities of lumber on the various reserves, I was wondering whether the department had ever considered training the Indians in lumbering. Some group of Indians would have the capacity to learn this, it seems to me, and it would be a very fine piece of work if some of these Indians could be trained in the art of logging, lumber cutting and so on. I have seen lads up at Norway House operating a sawmill of their own—

The CHAIRMAN: Let us get away from expressing opinions and just ask questions in order that we may expedite the matter.

Mr. CASTLEDEN: Has the department ever considered or undertaken the training of Indians to enable them to carry on their own lumber operations?

Mr. GOODERHAM: I can answer it so far as Alberta is concerned. Last year, we arranged for at least one band to get a new portable sawmill and they have it now. A representative of that band was here yesterday. This band is located in Driftpile agency in the Lesser Slave Lake country. At the Saddle Lake agency they have had a sawmill for years, and they are starting it up again. There are Indians who are sawyers. However, the Indians in the south have not done much of it because they have not got the wood. There are others which are being considered at the moment, and there was one operated again this winter.

The CHAIRMAN: I think Mr. Harkness, Mr. Farquhar, Mr. Gariepy and Mr. Case as well as the others who were on the commission last fall could give evidence as to what has been done down East, in Quebec, New Brunswick and Nova Scotia where mills have been established amongst the Indians. They have opened up timber areas on the Indian reserves and have done very well.

Mr. CASE: In cases where they have followed Mr. Gibson's suggestion and have secured an overseer while the Indians do the work.

Mr. HARKNESS: I was going to ask if the department has a timber cruiser among their officials, properly trained in timber operations, who could go out to this Peigan reserve and possibly get this Indian project under way, and the cut of that timber organized.

Mr. HOEY: It is my understanding that when the Indian administration was a department they had such a man, and immediately after my arrival in 1936 we had a man who has since retired. At the present time we are a branch of a large department and in the department there is a man, not in the Indian branch but in the dominion forestry branch and we are supposed to consult them and work with them in matters such as this. We have not, in the Indian branch, a forestry man.

Mr. HARKNESS: But in the department you have men who are capable of going out and organizing this timber take?

Mr. HOEY: In the department, yes, but not in the branch.

Mr. MacNICOL: Did Chief Dan Basque not say that he has such an organization?

Mr. GIBSON: Do you not use the officials of the forestry service on this timber cruising?

Mr. HOEY: Yes, we have done so on a few occasions.

Mr. HARKNESS: I do not think you could operate a timber cruising service from Ottawa. It sounds like a rather expensive thing to me.

The CHAIRMAN: Chief Dan Basque has a sawmill down at Restigouche, a real one. Who is doing all the timber cruising and the development in there? Is it Isaacs? Yes, George Isaacs.

Mr. CASE: He is a road builder?

The CHAIRMAN: He is a road builder, a forester, a millwright.

Mr. LICKERS: Is he an Indian?

The CHAIRMAN: Yes, and a very capable one.

Now if there are no more questions I think some of the members would like us to rise at this time.

Mr. MACNICOL: If you will allow me I am going to revert, while Mr. Ooderham is here, to the question of the election of chiefs—

The CHAIRMAN: There is a question by Mr. Lickers before you get into that.

Mr. LICKERS: It is in connection with the Blackfeet, if Mr. MacNicol wants to go on—

The CHAIRMAN: All right then, Mr. MacNicol.

Mr. MACNICOL: That apparently is a grievance.

The WITNESS: Of the Peigans?

Mr. MACNICOL: The Peigans, and they are one of the tribes of the Blackfeet.

The WITNESS: Yes.

Mr. MACNICOL: That is why I bring it up, evidently the Peigans now want to elect their chiefs, is that right?

The WITNESS: I have nothing concrete to show that the majority have said so but I think they do, and now this certain majority does not favour the present head chief. That is the whole thing right now.

The CHAIRMAN: Well now, I am sorry gentlemen, although it is not one o'clock but due to other arrangements that have been made by several of our members I do not see how we can very well continue. We will now postpone further questions until eleven o'clock tomorrow, when we will meet in this room.

The Committee adjourned at 12.35 p.m. to meet again at 11 o'clock a.m. tomorrow, April 25, 1947.

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SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPOINTED TO CONTINUE AND COMPLETE THE EXAMINATION
AND CONSIDERATION OF THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 15

FRIDAY, APRIL 25, 1947

MONDAY, APRIL 28, 1947

WITNESSES:

Mr. T. R. L. MacInnes, Secretary, Indian Affairs Branch, Ottawa;

Mr. G. H. Gooderham, Inspector, Indian Agencies, Alberta.

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MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

FRIDAY, 25th April, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 11 o'clock a.m.

Presiding: Mr. D. F. Brown, M.P. (Joint Chairman).

Present:

The Senate: The Honourable Senators Macdonald (*Cardigan*), McKeen and Taylor.—3.

The House of Commons: The Honourable Mr. Stirling and Messrs. Brown, Blackmore, Bryce, Case, Castleden, Farquhar, Gariépy, Gibson (*Comox-Alberni*), Harkness, MacLean, MacNicol, Matthews (*Brandon*) (Vice-Chairman), Raymond (*Wright*), Reid, Richard (*Gloucester*).—16.

In attendance: (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; T. R. L. MacInnes, Secretary; D. J. Alland and M. McCrimmon, Reserves and Trusts; B. F. Neary, M.B.E., Superintendent, Welfare and Training; G. Armstrong; H. M. Jones, Supervisor, Family Allowances; D. Russell; Major D. M. MacKay, Commissioner, Indian Affairs, B.C.; G. H. Gooderham, Inspector, Indian Agencies, Alberta; also Mr. John Callihoo, President, Indian Association of Alberta; also Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer.

By leave of the Committee, Mr. Max Campbell, M.P. (*The Battlefords*), put on the record some corrections of the evidence given by him to the Committee on March 21, last, as reported at page 258.

Mr. Matthews announced a meeting of the subcommittee on education to be held at 5.30 p.m. this day.

Discussion followed as to procedure and the schedule for future meetings. It was agreed to hold a closed session on Monday next, April 28, at 11 o'clock a.m.

The Chairman announced a meeting of the subcommittee on agenda and procedure to be held on Monday next at 5.00 p.m.

Messrs. MacInnes and Gooderham were recalled and questioned by Mr. Lickers and members of the Committee.

The Committee adjourned at 1.05 o'clock p.m., to meet again on Monday next, 28th April, at 11 o'clock a.m.

THE SENATE,

MONDAY, 28th April, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met in closed session this day, at 11 o'clock a.m.

Presiding: Mr. D. F. Brown, M.P., Joint Chairman.

Present:

The Senate: The Honourable Senators Johnson, Macdonald (*Cardigan*), McKeen.—3.

The House of Commons: The Honourable Mr. Stirling and Messrs. Brown, Bryce, Case, Castleden, Harkness, Little, MacNicol, Matthews (*Brandon*) (Vice-Chairman), Reid, Richard (*Gloucester*).—10.

In attendance: Messrs. R. A. Hoey, Director, Indian Affairs Branch; Major D. M. MacKay, Commissioner, Indian Affairs, British Columbia; G. H. Gooderham, Inspector, Indian Agencies, Alberta; also Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer.

Mr. Case called to the attention of the Committee a letter he had received from Magistrate Tucker, Cochrane, Ontario, with regard to grievances of certain Indians in the Cochrane district. It was agreed to have the matter referred to the subcommittee on agenda and procedure.

Mr. Case also asked that the subcommittee give consideration to the advisability of hearing in closed session certain officials of the Department of National Health and Welfare, and it was so agreed.

At 11.15 a.m., the Committee went into closed session for the purpose of considering recommendations with regard to certain aspects of the Orders of Reference.

The Chairman thanked Mr. Gooderham for the valuable assistance he had rendered the Committee and excused him from further attendance.

The Committee adjourned at 1 o'clock p.m., to meet again on Thursday, May 1 next, at 11 o'clock a.m.

T. L. McEVOY,
Clerk of the Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

April 25, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 11.00 a.m. Mr. D. F. Brown, M.P., (Joint Chairman) presided.

The CHAIRMAN: Would you come to order gentlemen, please. If it is your pleasure, Mr. Max Campbell, M.P., would like to make a correction with respect to the brief which he presented to this committee. Is it your pleasure to hear Mr. Campbell for a couple of minutes?

Agreed.

Max Campbell, M.P., called:

Mr. CAMPBELL: Mr. Chairman, and members of the committee. I made a mistake in one of the statements I made here in answer to Mr. Reid's question.

The CHAIRMAN: What page is that?

Mr. CAMPBELL: Page 258. The question is this.

By Mr. Reid:

Q. You spoke about co-operative farming. Are there any vegetables being grown or gardens being cultivated there now?—A. Practically none. There is not a house on any of these reserves that has a place to keep vegetables in the winter. There is not one that I saw that even had a cellar of any kind. They do not eat vegetables.

Now I have received a letter from the assistant agent at the Battleford agency and he informs me that on one of the reserves, the Thunderchild reserve, they have cellars in the houses. One other correction that I have to make is this. I said that they did not eat vegetables. I should have said they do not raise vegetables. They eat them, but generally speaking the Indians do not raise vegetables. I do not want to mislead the committee and I was asked by the assistant agent at Battleford to correct the statement.

By Mr. Case:

Q. On these reserves do they have gardens?—A. On my visit I looked very closely for gardens and I never saw a single one.

Q. Has the agent commented on that?—A. No, he also stated though, on the Sweet Grass reserve, there was a root cellar. I imagine from what he said that is a community cellar. The agents themselves may raise vegetables, but the Indian, generally speaking, I am inclined to think, does not raise vegetables.

Mr. REID: May I ask this question? Have you any information as to how they carried on in the earlier years? Did they have gardens then or is it just a matter of policy now? Did they ever raise vegetables there?

The WITNESS: I do not think so. I know in the fall—I farmed in that district—and when we had surplus potatoes we often gave the Indians those potatoes. They liked them all right, but as far as I can find out they do not like to raise them. They do not like to be bothered.

Mr. CASE: Mr. Chairman, with all due respect, I think this should be definite. The witness says he does not think so or he does not know about it. Is there some way we can find out the answer to that question, whether they have cellars for the storing of vegetables?

The WITNESS: You could find that out by writing to the agent.

The CHAIRMAN: Well, thank you very much, Mr. Campbell. We appreciate your coming to this committee and making the correction.

Now, Mr. Matthews, I believe you have an announcement you would like to make in connection with the subcommittee on education.

Mr. MATTHEWS: Yes, the subcommittee on education will meet, if it is agreeable, in room 268 at 5.30 p.m. today for a short organization meeting. We will not keep members there very long.

The CHAIRMAN: Could I give you the names of the members of that committee: Senator Fallis, Senator Taylor, Mr. Brown, Mr. Brunelle, Mr. Case, Mr. Charlton, and Mr. Reid.

Mr. CASE: Messrs. Brunelle and Charlton and Senator Fallis are not here, they should be notified.

The CHAIRMAN: They will get notice in any event. Mr. Charlton is usually here and he may be along later in the morning.

There is another matter here. On Monday we were to have the Manitoba Indians. We sent them a notice but they have replied that they are not able to be here until after the 28th of May. Now, that being the case, we have some of the department officials here and it has been suggested that we hold another closed meeting, for at least part of the meeting. We could discuss certain matters of Indian affairs administration off the record for part of the time. I believe there will be Major McKay from British Columbia, and some suggestions will be made. Mr. Gooderham will be here on Monday. Then, if it is your pleasure we will have a closed meeting on Monday for at least part of the time and then continue in public.

Mr. CASTLEDEN: Is that the recommendation of the "steering" committee?

The CHAIRMAN: No, it has not been referred to the subcommittee on agenda and procedure.

Mr. CASTLEDEN: The reason I asked the question is that I would like to know when the Ontario Indians are to be allowed to appear. What is the situation there?

The CHAIRMAN: The situation with regard to that is we are anxious to get rid of the western Indians first. I think the matter should be considered by the subcommittee to determine what the plan is going to be with respect to the Ontario and the Quebec Indians.

Mr. CASTLEDEN: Since the Manitoba Indians cannot come, could arrangements not be made to have the Ontario Indians here?

The CHAIRMAN: Well, the whole question of representation of the Ontario Indians has to be considered by the subcommittee. I think probably it would be well if, probably on Monday, the subcommittee on procedure were to meet to consider further this question of the Ontario and Quebec representation. You see they are not organized as they are in the western provinces. While Ontario has the largest Indian population in any of the provinces in Canada they are spread all over various parts of the province and they are not organized to the same degree as those of British Columbia and the other provinces in the west. If it is the pleasure of the subcommittee on agenda and procedure I think we should meet on Monday and notice will be sent out in that connection.

Mr. CASE: Mr. Chairman, with respect to the question of the meeting on Monday, in addition to the officials you mentioned, would it not be a good

idea to have Mr. Hoey available and any other officials, so that we might complete the business of that meeting at one time?

The CHAIRMAN: That is the plan.

Mr. CASE: There are some problems that we should consider.

The CHAIRMAN: The officials will be here and we are hoping to complete the departmental presentation on Monday.

Mr. CASE: In the closed meeting?

The CHAIRMAN: No, we will have the closed meeting and then go on from the closed meeting to the open meeting.

Mr. CASE: I think sometimes we accomplish more in the closed meetings and I think it would be well if the officials could speak freely there and inform this committee. It is most informative to have that done. I think provision should be made to have the closed meeting terminate at the pleasure of the chair.

The CHAIRMAN: We want to get the departmental presentation finished. We will have our closed meeting up until whatever time on Monday you desire and the rest of the time can be devoted to the departmental presentation etc.

Mr. REID: May I ask a question? My question is, have you any reports from the external affairs department as to whether we are likely to hear from the American representation? We should get a piece of atomic bomb behind someone or we will be drifting along all year. Surely there cannot be too much red tape about getting a U.S. representative here.

The CHAIRMAN: I can get you an answer to that from Mr. MacInnes.

Mr. FARQUHAR: May I just say that when the "steering" committee meets would it not be well if they would draw up a plan that would cover all the Indians from Ontario and Quebec or the other provinces, so that you can give them something definite?

The CHAIRMAN: I can answer that briefly. We have a plan. A plan has been mapped out but we have not been able to keep to it. The plan was that the Indians from Alberta should be here on April 21 and 22, from Manitoba on April 24 and 25, from Saskatchewan on April 28 and 29, and those from British Columbia on May 1 and 2.

Mr. FARQUHAR: We were told that those who came from Alberta had very little time to prepare their brief. Now, by having a plan and letting the Indians know, they would have more time to get their briefs prepared. I would like also to ask if, in your plan, you are considering the reserves up in the Manitoulin district.

The CHAIRMAN: I might draw to your attention, Mr. Farquhar, this committee has been going now for over a year. If you will refer to the Alberta brief you will see that it could not possibly be prepared in a very short time. It must have taken a considerable time to prepare that brief. They had at least three months notice of the approximate time that they would be heard and we gave them warning long before that. When it was decided to hear them immediately after Easter, we sent them a telegram.

Mr. CASTLEDEN: In defence of what Mr. Farquhar says, Mr. Chairman, I would say there is some truth there. The Alberta Indian Association knew about the hearing, but the decision as to the actual delegates who would be heard was not made until recently. I mean the unaffiliated Indians, such as Chief Yellowfly, had no way of knowing who was to appear until after the decision was made by this group a couple of weeks ago.

The CHAIRMAN: I think, Mr. Castleden, if you will look at your calendar you will see it was more than two weeks ago and Yellowfly's brief, printed in our minutes at page 206, is dated November and December, 1946.

Mr. CASTLEDEN: As far as he is concerned you made the decision that you would hear someone from the Indian Association and some other unaffiliated Indians, but by the time that decision gets down to him he may not have an opportunity to prepare his submissions.

The CHAIRMAN: We, of course, advised all Indians, all groups of Indians last year that they would be heard this year.

Mr. CASTLEDEN: Are all Indians to be given an opportunity of being heard?

The CHAIRMAN: We told them that all Indians would be given an opportunity to be heard. In fact, all Indians throughout Canada were told that they would be heard this year. Now as to what representation is to be sent and what fares paid from the different bands to Ottawa, that decision will not be made until a little later.

Mr. FARQUHAR: Has this notice been sent to the various Indians on the various reservations?

The CHAIRMAN: Yes, notice was sent out to the various Indian reserves, you will note what I said on page 417 "at a later stage in its settled procedure, the committee will afford a full opportunity to all organizations interested in Canadian Indians and their welfare, to make representations to the committee at a date and place which will be notified in good time to all concerned".

Mr. CASTLEDEN: All organizations.

The CHAIRMAN: Do you not consider an Indian band an organization?

Mr. CASTLEDEN: Is each Indian band to be given an opportunity of being heard?

The CHAIRMAN: Any Indian band that wants to come here at their own expense will be heard.

Mr. CASTLEDEN: But many of them have not the money to come.

The CHAIRMAN: They all got letters, to which we have had many briefs sent in, all of which have been printed as appendices to the minutes.

Mr. MacInnes, would you like to answer the other matter about the American representation?

Mr. MACINNES: Mr. Chairman, the position in so far as our department is concerned, is that following consultations with the officials of the committee the suggestion has been conveyed by the right honourable secretary for External Affairs to the United States Government, through the Canadian Embassy in Washington, that Monday, May 12, would be a suitable date, and it is assumed that suggestion will be transmitted to the office of Indian Affairs which is part of the Department of the Interior of the United States. I do not know if request has actually reached the U.S. Indian office as yet. I might say, for your information, that quite informally I have had occasion to discuss matters recently, in Washington and previously in Chicago, with officials of the Indian Affairs branch there. The commissioner is ill at the present time and will not be available, but the assistant commissioner would be quite willing to come here.

The CHAIRMAN: Well, Mr. MacInnes, is it correct to assume that May 12 is the probable date of the American presentation.

Mr. MACINNES: Yes, I think it is probable that Mr. William Zimmerman, Jr., assistant commissioner of Indian Affairs in the United States, or someone representing him, will be here on or about May 12. That is as far as I know.

Mr. REID: Personally, I am very pleased to hear that. I think it would be all to the good if the assistant commissioner would come instead of the commis-

tioner. I understand the present commissioner has not been so very long with the department whereas the assistant commissioner has been there sometime and is the man who has more information than anyone in the department of Indian Affairs in the United States. I think it is most important for the committee to have a representation from the United States because our Indians are going back and forth across the line and we should see how the problem is being conducted down there.

The CHAIRMAN: If there is no further discussion on that matter we will proceed with Mr. MacInnes and Mr. Gooderham. Are there any questions to be asked of them?

Mr. LICKERS: Yes, I have some questions.

The CHAIRMAN: All right.

George H. Gooderham, called:

By Mr. Lickers:

Q. Now, Mr. Gooderham in connection with the Blackfoot Indians, what is the acreage there on that reserve?—A. About 178,000 acres.

Q. How much of that is under cultivation?—A. Around 40,000, between 0,000 and 40,000 acres.

Q. And is any of the land under cultivation leased?—A. Yes there are 2,160 acres under lease at the moment, farm lease.

Q. To how many people is that land leased?—A. I would imagine about a dozen, I cannot give you exact figures.

Q. About a dozen?—A. Yes, they are large dry land leases, mostly dry land leases. There are some irrigation leases however.

Q. So that over 10,000 acres are leased to about a dozen white people?—A. correct.

Q. And the balance under cultivation is worked by the Indians themselves?

—A. Yes, or on behalf of the Indians as a tribal unit, that is large areas are used for growing feed for band cattle by local arrangement, that is band arrangement.

Q. My information is there are about 128 Indians on that reserve who are tilling about 11,000 acres?—A. That is correct.

Q. And then you have 12 white people tilling about 10,500?—A. Yes.

Q. My information is also that the department has informed the band not to till any more land?—A. I do not think you are quite correct. There is a large acreage already broken or under cultivation on the reserve and it has been our experience in the past, that as drought seasons arrive, depressed prices follow and some of this land is abandoned. A good deal of the prairie land has been broken up when it would have been better if it had been left under grass as it would have been of value to the Indians themselves. The suggestion was made that they should not break up more land on their small holdings, or that very little more land should be broken but they should utilize the land already under cultivation.

Q. My understanding is also that at the present time some 60 Indians have applied for acreage?—A. That sounds very much larger than it should. I think it is a smaller number than that. You will always have a number of applicants who have not proven themselves, in the past, as good farmers. They are not given first consideration. The younger men, who number possibly less than half the applicants, 20 to 25, should be given an opportunity to start farming.

Q. Is the department making any provision this year to give those 20 to 25 an opportunity to farm?—A. We hope that it will be possible to start them by taking over some of those leased lands.

Q. There is provision in the leases to do that?—A. No, sir, but at the moment it is under consideration. The officials at Ottawa, realizing this area of leased land has been producing a very large revenue, want to go carefully. For example, these leases that you have mentioned earned those Indians over \$200,000 in rentals in the past six years. The officials are just wondering whether it would be wise to take away those earnings and turn the land over to these Indian boys.

Q. Well, as far as the Blackfeet are concerned it is not a question of money is it?—A. No.

Q. It is not for the purpose of providing funds for them?—A. Well, my understanding is the Blackfeet do not want any more money. They do not need any more money. They want a better man. We have got to the point where we want to improve the man and not the capital.

Q. Well why then would you not give these young chaps, who have applied for land, an opportunity to work that land?—A. From a recent meeting I had with them I gather it is the wish of the band. It is the desire that gradually these leases should be eliminated and the land turned over to the younger men whom they may recommend as possibly good farmers, and to those others who wish to expand and to become independent entities. Then, a man who wants to expand can get out independently. You see on the Blackfoot reserve a condition has been created where we have set up a state which is self-supporting. After all you have got a thousand people who do not have to work to make a living and a very comfortable living it is at that. The younger generation come in and they are losing all that sense of responsibility, of independence, and those things which go to make up a man. We feel we must throw out an inducement to anybody who will expand and show that their condition in life can be improved as an individual. We would like to see that.

Q. Are they not showing that by making this application?—A. I think so, sir. The department's position is, there is a very large revenue there that they do not think we should lose entirely and it is my recommendation, and has been my recommendation to the department that we start to reduce the leased acreage and turn it over to these people gradually. Not in one block, but gradually. There is a splendid principle involved but the application may not work out as practically as it would appear to in theory.

Q. Is the department going to start that this year?—A. Pardon?

Q. Is the department going to start that this year?—A. I am not in a position to say. It is my recommendation, however, sir. At the present time Mr. D. J. Allan, our superintendent of reserves and trusts is here. He is going out to the west I believe, and I hope the Indians and their agents and their inspectors can satisfy him that a move in that direction is a good one and not a move to their disadvantage.

Q. Now, I believe you gave in your evidence also that as far as the Blackfeet Indians were concerned that your father was the Indian agent there and you succeeded him before you were appointed the inspector for the province?—A. Yes sir, we were there thirty-nine years.

Q. Now, has there been much improvement on that reserve in the last twenty-five years?—A. They had the same situation as any other reserve in 1907. In 1912, by means of this sale, farming was started and the Indian throughout the 1914 war, and after that war, operated with horses on those units that they now have, 40 to 150 acres, and did remarkably well with the relatively high prices. In the 30's the prices fell and drought conditions create soil drifting. Horse-drawn implements became more or less obsolete in the drought country and just before the present war, in 1938 and 1939 power farming was started, and, as you gentlemen will realize, you cannot operate a power unit, a large power unit, on very small acreage. It requires a bigger acreage to justify its existence. As a result farming on this reserve is done mostly by large

band farm units, power units, and it leaves the small farmer more or less a dividend drawer at the end of the season and that is a bad feature. Small farms are practically a thing of the past with the Indians to-day and it is becoming more and more apparent throughout the west and the whole of the country. It is a new problem, a new condition.

Q. Is everything on that reserve more or less undertaken as a tribal project?—A. Practically. There are a few independents but everything is practically a subsidy affair. We are trying to break away from that by taking certain of those Indians away and putting them into these other areas in an attempt to make them absolutely independent. They have, of course, to qualify financially and in all other respects.

Q. I was just thinking that if everything is under tribal management, how, for instance, would a veteran get his re-establishment credit?—A. He can get it. As a veteran he is located on a certain parcel of land by the band council. The band council just meets and they say this man will be given a certain piece of land.

Q. They have no such thing as a location ticket?—A. No, there are no location tickets. It is purely a tribal arrangement. The majority state that the man will have the use of a certain quarter section or half section so long as he farms properly and behaves himself. It is recognized as his property.

Q. If he makes improvements on that land what happens in connection with succession.—A. If he makes improvements those improvements accrue to somebody else when they take over and in some instances they are purchased by the band.

Q. Can he will it to the reserve?—A. Yes, as improvements, if he wishes. It may be of interest to you as a committee to know all the buildings on that reserve, or practically all the buildings on that reserve are the property of the band. Practically every farm has a set of buildings on it to the value of about \$3,000. I would say they would be worth more than that today. They have \$500,000 tied up in band buildings, from the community hall, the hospital, down to small houses, one, two, four-roomed houses, barns, etc.

Q. What would be the percentage of illiteracy on that reserve?—A. Illiteracy is a very difficult thing to define. For many years the only children who have not attended school from the age of seven to sixteen have been those who were physically and mentally unfit for schooling. I can think back for thirty years and the only ones who do not attend are those who are physically and mentally unfit for education.

Q. How much education do they get?—A. They have been attending the residential schools for the most part until recent years but now a few have been attending technical schools, agricultural colleges and high schools. Only a few do that of course. It might also be interesting to know that one per cent of the band's income is set aside each year for higher education.

Q. Is that used every year?—A. No, but it is available there and is left to the council to bring up the name of any student who wishes to have further education. It is also left to the agent to bring names before the council. As Chief Yellowfly said in his evidence there is rarely anybody who wants to go on to further education who has been refused.

Q. How does the standard of living on that reserve compare with the surrounding white community?—A. Well, I think—I know that in the depression times they felt very sorry for the whites—they had a very high standard of living. You must remember that when every man, woman and child gets beef and flour and tea and special rations, plus a per capita distribution of his income, and clothing and his house when he is married, he has not only a home but a standard of living above the average Canadian family—especially in tough times.

By Mr. Harkness:

Q. Then it is one community in which people have more or less complete social security and all the things we are talking about now?—A. Yes, it is unique. We thought we did something in giving these Indians food, clothing, shelter and education and the wherewithal that we all require, but we have now come to the point—it is remarkable in all these years that they did produce—and I have our records to show that the per capita production among that thousand people was as high as any in Canada among the Indians; but we have now arrived at the point where we have the newer generation coming up who have seen nothing else but security, so much security that they have no initiative, and that is what we want to build up. We want to create in the minds of these young men a desire for a higher standard of living. In fact, it is our instructions that if the Indian wants to buy an aeroplane to fly for goodness sakes say, "Yes; go out and we will give you every support we possibly can so you can create an income to buy that". We encourage that desire for a higher standard of living that we are now facing. How are we going to create that desire? In fact, that is a very large angle with the Indian everywhere. Take a house. If the Indian does not desire anything but a small two-room house he is not going to improve, is he? And there is no use putting another room on the side because that will likely be a dumping ground for him. You first have to create that desire for something greater than you have, and that is what we are trying to do. We start larger units to stimulate that desire. If a man can make \$5,000 a year he can improve his condition and get these things which are extremely luxurious today but which in five years will become a necessity.

Q. Will you say from your experience, as far as that reserve is concerned, that it is mainly a question of education?—A. You mean from the classroom point of view?

Q. No.—A. Broad education, yes; but it is not even confined to the classroom; it is education of an Indian agent's office, from Ottawa and from everywhere.

Q. Is that program underway?—A. Well, I am hoping it will be underway. That is what I am recommending, sir. The Indians are very much in favour of it. We feel they have now sufficient capital, and even if they gradually lose this income of \$30,000 or \$40,000 a year eventually from this leased land it is better to turn it into men than into cash.

Q. Take in Alberta as a whole, I was wondering as to whether there is any dissension among the Indians as far as their election of council is concerned, and things like that?—A. There is and there is not. As Mr. Callihoo said yesterday, the Indians want to have more local autonomy in the election of council. I think they all want the elective system so they can decide who is going to be their council.

Q. That is all I have to ask.

By Mr. Matthews:

Q. As I see it, the Indian after all has a good deal in common with the white man as far as social security and manhood are not developed.—A. Very definitely, sir. I think the lower down the scale you go the more definite it is.

By Mr. Castleden:

Q. Do you not say that poverty and the lack of opportunity to develop their initiative is destructive?—A. Similarly, they are both extremes.

Q. And you think that is what you have?—A. We have the two extremes.

Q. That is right.—A. Now, we are driving ahead with this movement. This is a real socialistic problem.

The CHAIRMAN: What is your pleasure; that we go clockwise around the table?

Mr. HARKNESS: I have no questions to ask.

By Hon. Mr. Stirling:

Q. I gathered that there are some 140,000 acres of range land and they are not cultivated?—A. That is right, sir.

Q. What is the condition of that 140,000 acres, is it largely range and a little timber?—A. Almost entirely range. That is in southern Alberta where there is very little woodland except along the rivers; and they run in that area some 3,000 head of stock—6,000 or 7,000 head of horses and cattle.

Q. Is any of that range land leased?—A. No, sir. There are two or three small parcels of a half section or a quarter section adjoining irrigated lands that are leased. That is all. I do not think it amounts to a section of land all told. I do not favour grazing leases on Indian reserves.

Q. These leased lands for cultivation do not have attached to them pieces of range land on which to run stock?—A. No, sir. I think I should explain that this so-called leased agricultural land is a legacy directly from the last war when the greater production farms were started and when the greater production was such that the Indians just could not take all of it. The Blackfeet took over one production farm of 2,500 acres and that was too little at that time. There was no alternative but to lease these greater production lands until such time as the Indians were capable of taking them over themselves. That time we think has arrived, and our leases are so made that they can be cancelled in any one year. As the Indians absorb the land the lessee will be removed.

Q. You spoke of the fact that we are moving into an era of larger agricultural lands with motor cultivation and yet you speak of returned men having allocated to them by the tribes certain areas which obviously must be small in comparison.—A. They have so far been sufficiently large to satisfy these returned men.

Q. What would you call large?—A. Sufficiently large to satisfy them—a half section. The V.L.A. through our own department have looked after them very well, and they are starting out in every instance with power machinery and cattle and with the combination of the two they should do very well.

By Mr. MacNicol:

Q. I have a few questions to ask. Do they do any small manufacturing of any kind?—A. No, sir. They mine coal, and in connection with that they have the usual blacksmith work.

Q. They do not make any small machinery?—A. No, sir.

Q. Are they instructed or encouraged to do small manufacturing?—A. No, sir, not really there. I haven't tried to.

Q. There seems to be a good deal of loose manpower and womanpower that could be used.—A. We are using these men on the repairing of machinery. For example, Chief Yellowfly attended an agricultural school. We send boys to the technical school at various times to study machine operation—tractor and diesel. We often send girls to those schools. We have a girl in the United States at the present time as a seamstress. She went through the technical school. That is the sort of thing that we develop in manufacturing.

Q. Have any of the Indians motor cars?—A. Yes, they have them, not so many now as prior to the war. They could not get them. They buy a lot of secondhand cars.

Q. Are they able to repair the cars themselves?—A. Some of them are very good. They have men there who are quite good mechanics.

Q. It is a very old reservation. Have you many roads?—A. We have good roads. We have a building program from year to year. The Indians put about 75 per cent of their income each year—is plowed back into improvements for services such as roads and hospitalization.

Q. The reserve is on both sides of the Bow River, is it not?—A. Yes.

Q. It is south of the Bow River. Do they do irrigation?—A. Yes.

Q. Are they doing it themselves?—A. There is a 5,000 acre area of irrigation that was started in 1938, and of that acreage about 1,000 is operated by the Indians. We have an Indian irrigation colony; we are extending that.

Q. What do they usually produce on the irrigated land?—A. Alfalfa, oats and barley.

Q. Do they produce sugar beets?—A. Not there, sir, because we are too far from the market in the first place.

Q. What program is followed to induce them to take pride in their ancestry and history?—A. These people are very proud—I do not believe there are any Indians in Canada who are more proud to display their ancestry than are the Blackfeet.

Q. There have been for many generations Cree Indians south of the line?—A. They are that sort of people; they went back and forth.

Q. The Peigans and the Bloods were their allies. Do they intermarry?—A. There is quite a bit of intermarriage. They are all of the same blood. The Blackfeet Indians of America comprise those on the three reserves in Canada and one in Montana.

Q. Do they mix much with the Plain Crees?—A. They are intermarrying and mixing more and more.

Q. I think it is important that they should have a pride in their ancestry and history.—A. They have a very great pride. We expect to get a moving picture of the signing of the treaty in which the Indians took a big part, I believe.

Q. Are they encouraged to participate in sports?—A. They are fond of sports. In the coal mining area we had a team that toured the country and our schools have hockey teams. In the summer they do not do much. They do play some baseball, but they would rather have a good horse-race than anything else. I might mention that Yellowfly's boy was killed in Italy and he was one of the outstanding athletes in his community.

Q. Are they encouraged in Indian crafts?—A. Yes, they have kept them alive, but during the war it was very difficult to get the bead and buckskin as they do not have the skin. They have to buy it. They make some beautiful stuff and during the war sold considerable of it considering that they had to buy the raw material. The craft is kept up by the pride of the Indian in his craft and we are trying through our institutions to keep that alive.

Q. Do they raise any furs?—A. Pardon, sir?

Q. Do they raise any furs?—A. No, well yes. We have an area where there are muskrat, and we try to control them on a certain lake. There are also a few beaver on the Bow river and we do not allow them to be depleted.

By Mr. Matthews:

Q. I was going to ask, Mr. Chairman, if anything has ever been tried out in the way of fairs?—A. Yes, school fairs. We have not as yet developed a large fair but the school fairs were very successful, even with the whites in the district. At the present time the Indians put on a stampede. Last year the stampede had 6,000 people there, and everything was run on a very high order with loud speaker systems and so on.

Q. Do these fairs include livestock?—A. No, sir, they have not done that but we are hoping we can develop it.

The CHAIRMAN: What is a stampede? Can you tell us please? Some of our easterners do not understand what you mean by a stampede.

Mr. BRYCE: Go west young man, go west.

The CHAIRMAN: I am quite willing.

The WITNESS: Well, there is this wonderful stampede at Calgary that these boys participate in to a large extent. They participate in many of the contests. Those are riding bucking horses, doing chariot races, riding steers, or decorating them as they call it, running Roman races and flat races.

Mr. CASE: Riding bucking steers as well.

The CHAIRMAN: Do they have any exhibits of workmanship?

The WITNESS: This occurs all over the province. It is not confined to the Blackfeet. All these reserves have their stampedes which cause a little bit of headache to the average Indian agent. At our Calgary and Edmonton exhibitions we have wonderful displays of school work, Indian crafts, and so on, and we are now adding grain and canning and what not. In the case of the Calgary and Edmonton fairs it is a matter of a whole week at each place. We hope that anybody who comes out to the west will go and see our fairs.

By Mr. Matthews:

Q. Please do not forget Brandon. We also have a fair.—A. Yes, and a very excellent one.

Q. How many motor cars would you say they have on that reserve?—A. 15 or 20, they had more at one time but they have been worn out.

Q. What I was leading to was this, for quite a number of years there has been a cultivation of the mechanical ability of the Indian. After they get that education what becomes of them? Do they try to get into any line of business for themselves?—A. In some instances they do get work elsewhere but it has been more difficult for an Indian to get placement in such work if there are whites available.

Q. He has not tried to start up in business for himself?—A. One Indian I know was one of the chief artificers for the Canadian artillery. He is living now on the Blackfoot reserve. He is an expert with guns, large guns.

By Mr. Reid:

Q. I have one or two questions to ask. What garden products are grown?—A. Not very many Mr. Reid, that is in the southern part.

Q. Why?—A. The drought. It is very difficult. I myself gave it up because I could not get my seed back and it is very discouraging. The department has for years made every effort to endeavour to increase that activity and each year there are prizes given on the reserve. The reserves in northern Alberta however, Michel, the Edmonton agency and such places have wonderful gardens.

Q. How far, in the case of the Blackfoot Indians, are they away from the Bow river and could that river be utilized to irrigate?—A. We are irrigating in one area but you see you are dealing with a very large area and their homes are on dry land. We started in with the idea of producing such roots and legumes that we need and that we thought we could grow on dry land.

Q. I have one other question to ask while you are on the stand but I just want to make this remark first, Mr. Chairman. This committee has been listening here to what I would say is one of the finest examples of a beneficent dictatorship that we could have. Here we have a reserve with \$2,000,000 where money is not desirable any more. These people have all the money they want and 60 Indians are applying to work their own land. We are told this morning that the department is just considering. Well, I realize that Indian lands were eased when the Indians did not want to work them but here you have a case concerning their lands, where the Indians want to use their own land for agricultural purposes. The department is apparently thinking in terms of money.

In heaven's name, how much more money do they want? They have contro of \$2,000,000 of these people's money and the country is paying 5 per cen on it. I am going to raise that question before I get through, but I wish to ask Mr. Gooderham who makes the final decision when the Indians apply for their leases? Does the final decision rest with him or with what officials? Does it go to Ottawa? I think it is a terrible thing to state that Indians on their own lands cannot get leases. I do not know, I am far away from the place concerned. I am just sitting here as a member of a committee and listening.—A. may sound worse than it is. The final decision is of course made by our directors at Ottawa.

Q. In making the decision—I presume you send some information to him —A. Yes, sir.

Q. You send a recommendation or no recommendation?—A. I try to recommend one way or another.

Q. And how do you recommend?—A. I recommend that the Indians be allowed to farm this land but not all at once. I would start the thing right away, but I would recommend certain applications be accepted right now.

Q. You do not have to consider the money, you have to consider the mode of life and the question of occupying them usefully so why do you hesitate?—A. I am not hesitating.

Q. Well, I will have to ask Mr. Hoey why the department would turn it down. It seems to me to be one of the most important things that has come up this morning.

MR. HOEY: That matter has just arisen lately Mr. Reid. The land is land that has not been cultivated by the Indians and they have not, until recently expressed a desire to cultivate it. In the last three or four years I have taken a keener interest because of my position. They show more and more tendency to go in for group farming and to purchase power machinery and operate as units. It was a great source of revenue, the leasing of the land. The request came in quite recently, within the last few weeks, and I would say I did exactly what Mr. Reid would have done. What I mean by that is this. The head of the division responsible came up and discussed it with me and we are working under a very keen sense of responsibility. We are not going to throw away a couple of hundred thousand dollars of revenue without an investigation. I think the superintendent of reserves and trusts has on at least four distinct and separate occasions gone into that matter with me fully and in detail. I feel, as each member of the committee would have felt, that we would like to have a look at these men. Look at them and talk to them. First, has he any real intention of going in for farming as an individual? Is it his intention to stay with it? Is he going to get discouraged?

As a result, the head of the service will accompany Mr. Gooderham to Alberta. He will meet the agent, meet the Indians, look at them, and discuss the matter very fully and very thoroughly and then decide on the program. Now I think that is not an unreasonable attitude to take in view of the revenue involved. Do not get the idea, please, that the Indians have been pressing for this for years. The matter has come to my attention only in the last few weeks. As far as I am concerned this is the first time that I have ever had the idea they wanted to go in for farming as individuals.

By Hon. Mr. McKeen:

Q. I think one question that should be cleared up here is how many acres have these 60 applicants applied for?—A. I could not answer that question, all I know is they want a farm.

Q. I was thinking that you might deal with these sixty persons without seriously interfering with your \$200,000.—A. Yes you could sir, because it is

quite probable that the council might turn down a goodly proportion of those as being unsuitable.

Q. Have you any agency there set up for selling their products or any of their craft work that they might be selling? Is there anything that might help them, for instance purchasing the raw material? You might be able to buy in larger quantities?—A. The craft work is such a small thing it has been worked through the Indian agent office, but there are also the schools. I recollect that during the war one school derived a revenue of about \$2,000 through the women who secured material from certain novelty shops and this material was made up but there is not much of that done in that fashion. It is done usually through the agency office.

Q. Well does the making of this produce raise the morale? Does it give them a pride?—A. Not an awful lot today. You must remember these people do not require the funds. This is only extra pocket money so to speak. They have to bring the raw material, in the case of this particular reserve, from outside and they bring it altogether and after it is all through there is not very much left and for them it is just a past time, a hobby more than anything else.

Mr. FARQUHAR: Well if I might just say I think a great deal of this discussion is very interesting but I have been wondering whether much of it is going to be of very great help to us in revising the Act.

What I would like to know is this? Mr. Gooderham has spent all his life working amongst the Indians. Knowing the policies of the department as he does, is he in a position where he could make suggestions to us that we could consider in connection with revising the Indian Act; suggestions which would be beneficial to the Indians. I would like to hear some discussion or suggestions of that nature. That sort of thing would be helpful to us when we are considering and endeavouring to revise the Indian Act as we are trying to do. I think that would be much more beneficial to the committee than a great deal of the discussion that is going on in connection with the history of the Indians and many of the details regarding the work that is being carried out on the reserves. I would like to hear something more along that line from the officials of the department, something that would be useful towards revising the Act.

The CHAIRMAN: Have you any suggestions Mr. Gooderham that you would like to give now?

The WITNESS: It is very difficult because you get so close to the work over a period of years and you have so many things on your mind. I could consider it until Monday and give something to you at that time.

Mr. CASE: Mr. Chairman, I understood the department officials would prepare something in the nature of a brief on their suggestions?

The CHAIRMAN: Senator McKeen is chairman of the subcommittee which will be getting under way very shortly. The department has some suggestions, I believe, for the revision of the Act and they wish to place before the subcommittee those suggestions for consideration.

By Mr. Castleden:

Q. There are a number of questions I would like to ask. The Indians complain about their rations, what is your experience with regard to that? Do you think the rations are adequate?—A. The rations that have been issued were more or less created in the early days before we knew about vitamin content. It was more a subsistence ration than anything else. I believe that the time has arrived when a more varied ration should be given that will meet their physical requirements. If you take it from an actual survival point

then you could say that twenty-four pounds of flour will make a lot of bread and six pounds of rolled oats will last a long time and so on, but it is diversification that is most important.

Q. In the distribution of this ration do you find the ration depends in any way upon band funds?—A. Not necessarily, no. Band funds are employed only when they are sufficient and if there are not sufficient band funds as I understand it—this really should be answered by an Ottawa official—there is a welfare fund which supplies rations.

Q. But in all cases and on all reserves there is a certain standard ration given?—A. Yes sir, the Indians can and are now augmenting that ration. They are augmenting it for certain of the old people from their band funds. They do that on certain reserves.

Q. From the discussion this morning one might imagine we are dealing with people who do not need money. That applies to only one band but there are Indians on some reserves whose conditions is far from the condition of those people under discussion.—A. Yes, there are Indians in certain sections in the south who have very high incomes, some of them \$10,000 to \$15,000 a year.

Q. Are there Indians on other reserves who are able to afford automobiles?—A. Yes sir, a number, much more so than the Blackfeet.

Q. Is that general?—A. No, that is not general, but I am talking about the large area farmers.

Mr. GIBSON: Can we get on the record that figure that he spoke of, what was the sum you mentioned that some of them made?

The WITNESS: Well there are some of the Blood Indians who will make as high as \$15,000 a year. Those are very rare of course.

Mr. CASTLEDEN: And what about malnutrition?

Mr. REID: I would ask Mr. Castleden this question in dealing with the word malnutrition—I wish to make my opinion clear, that malnutrition is not necessarily a lack of food. Is he speaking of malnutrition in the same sense. You can give Indians too much white flour and too much of this and that and it amounts to malnutrition. I would ask Mr. Castleden if his idea is the same as mine.

By Mr. Castleden:

Q. Yes. I noticed in the Indian brief that was presented, on page 22. They say malnutrition is so prevalent that it has a direct bearing on the high infant mortality rate among the treaty Indians. The survey reported in the *Canadian Medical Journal* of March, 1946, and reported to the joint committee of the senate and the House of Commons by the Honourable Brooke Claxton, in number 3 of the minutes of proceedings and evidence as appendix F, should show substantially the need of the Indian and the effects of malnutrition". I would ask the witness if he found that in Alberta.—A. Yes, you will find it among even the wealthiest bands because of the inability of the parents to properly feed the children either because of lack of knowledge or lack of the right type of food.

Q. We find that even amongst white people?—A. Yes.

Q. Now you have given one end of the income scale but how about Indians in some of those reserves and agencies in the north, what is their annual income?—A. Well I can tell you in some cases it is very low, at certain times. The income in the north, however, has been high, much higher during the latter years owing to the high prices of furs and good wages.

Q. What would you say was the lowest income?—A. I am not prepared to answer, I could not answer that question.

Q. Some of them would not be receiving as much as \$400 a year in the family?—A. Very possibly.

Q. I noticed with regard to housing the Peigan reserves stated in the brief that twenty-five families had no housing at all and that they are financially unable to build those houses themselves.—A. That is possible. Yesterday I talked about the timber limit. The idea is to organize that timber limit to create material for their use. It is my purpose to see the director of Forestry and I hope to get cooperation from that branch in order to work out a solution for the development of that timber limit for the Indians. Their reserve is out on the plains where they have not got wood.

Q. What about the need for wells?—A. Wells are a tremendous problem. In certain areas it is very difficult to get water. We drill shallow and deeper wells but water is a problem, a very great problem. We are doing our very best at the present time to locate central wells if not more numerous wells.

Q. At whose expense would this be?—A. The band's usually. And in many instances during this past winter, bands have voted certain of their funds for the drilling of wells. Where that is not possible the department, through the welfare fund, votes money and supports them.

Mr. REID: How deep do they have to go?

The WITNESS: It varies, sir. You get a shallow well thirty or forty feet but you get a very constant flow. Then you get down two hundred feet and perhaps you get a small flow. It is a very big problem. We are getting dams as you know and we are damming the water, keeping it where we can conserve it, run it off, and if necessary sterilize it. Unfortunately in many years gone by certain farming areas were set out on reserves without first considering the water supply, rather putting the cart before the horse.

Hon. Mr. STIRLING: Do you find successful water diviners amongst the Indians?

The WITNESS: I do not know that we do. I think that idea came from the white man.

Mr. LICKERS: No, that is an Indian invention.

Hon. Mr. STIRLING: It began with the Indian.

Mr. LICKERS: Yes, and it works too.

By Mr. Castleden:

Q. Returning to the medical services of the Indians on the Hobbema reserve, the band, in their brief, complained about the lack of medical facilities and I believe that is very important.—A. A great endeavour is being made to increase the medical services. At Hobbema there has been for many years a resident nurse with a nursing station. Unfortunately there is no nearby hospital and the patient had to be taken to Wetaskiwin or at present to the Charles Cammell Hospital at Edmonton.

Q. And how far away is that?—A. About sixty miles on the highway. Westaskiwin is a much shorter distance.

Q. How far is Westaskiwin?—A. Well it varies, it depends on what part of the reserve you are at. It will run anything from twelve to forty or fifty miles according to where the Indians are living.

Q. An Indian, if he is sick, has to come from the reserve to the hospital?—A. Not necessarily, the nurse has a car and she drives out and she will pick up a patient as will the agent and they take them into the nursing station or, if necessary, into the hospital. I understand that it is the policy of the Indian Hospitalization service of the Department—I do not know what you call it—

The CHAIRMAN: National Health and Welfare.

The WITNESS: The Department of National Health and Welfare is trying very, very hard to get personnel, doctors and nurses as well as hospitals, but all those are very hard to secure.

By Mr. Castleden:

Q. The condition of the roads must present considerable difficulty?—A. You have mentioned something now. Here is the stand taken by the Indians in the reserve. They do not want a survey but we very keenly want a survey in order that we may evolve some method of improving road conditions. We cannot do very much unless we have a survey and the Indians are fighting that.

Q. Do you not think the co-operation of the band could be obtained if it was pointed out to them it was for the purpose of improving road facilities in order to be of assistance to them?—A. It is to be hoped so, but in this particular reserve I held two meetings for that very purpose and I have not yet received their support.

Q. The Indian support?—A. The older men object.

Q. To the building of roads?—A. To the building of roads. You can build trails but built up trails are very unsatisfactory.

Q. I notice from Paul's band report that there is a lot of development to be done on their reserve and they mention a fur project, additional agricultural land to be developed, and they want timber development there to be done by the band.—A. Yes, that is quite true. They are now developing very rapidly on a self-sustaining basis, mostly by band lands. That is agriculturally. With regard to fur, the fur supervisor of the province has investigated the possibility of establishing colonies of certain fur-bearing animals.

Q. There was some timber development?—A. Last year the Indians got out a large quantity of logs. I think that has turned out to be about 150,000 feet of lumber so far. It is a hired outfit of which a large part of the crew are Indian.

Q. The Indians at Sucker Creek maintain that most of the Indians in the band are experienced loggers, mill-men and competent to operate.—A. Yes, and they have been supplied with a portable sawmill.

Q. That came out the other day.—A. Yes, and they will be milling the logs shortly if they are not right now.

Q. Those Indians also opposed very strenuously the policy requiring the Indians to surrender timber limits to white operators?—A. They are not being asked to do that now.

Q. On any reserve in Alberta?—A. There was the question which came up yesterday, but the Indians had not surrendered it.

The CHAIRMAN: Just a moment, if there are any more questions to be asked of Mr. MacInnes by any member of the committee, could that be done now, or Mr. MacInnes has to leave. It is 12.30 now and the committee will rise at once. Mr. MacInnes has to leave within the next fifteen minutes, so, with your permission, any questions should be put to him at this point.

Mr. CASE: He could return for questioning?

The CHAIRMAN: Yes, he could come back any time within reason. We appreciate your coming here, Mr. MacInnes, and you may be excused now.

By Mr. Castleden:

Q. The other complaint concerns the Alexis band, who complain that, some time, they were in a much better position than they are today. Some land was cleared for cultivation which has now gone back to brush. What would you say was the cause for such deterioration?—A. I do not know the past history of that section, I do not know the reserve. I understand it is a very poor farming locality and that the white farmers in that area are not making much success.

I wish to say, that at the Alexis reserve, the Indian Affairs Branch of the Department of Mines and Resources very recently purchased a nice central building on the railroad line from which we could administer the affairs of the

serve better than we have been able to do before. There was no centre for administration. Finally, within the last two or three weeks, we located a building. We can now look after the wants of these people. They are mostly happy Indians.

By Mr. Gariépy:

Q. Where is the centre located?—A. It is right on the railroad, right at the edge of the reserve. It was at that point the Indians wanted us to locate it.

Q. Would you mention one of the nearest cities?—A. Edmonton is one of the nearest cities and Glenevis is the nearest town. It is at the point the Indians wanted us to locate this building.

Q. How many miles from Edmonton, roughly?—A. I think Mr. Callihoo could answer that. How far is Glenevis from Edmonton?

MR. CALLIHOO: I do not know exactly but I think it is about 45 miles.

THE WITNESS: I may say that it was at the request of Mr. Callihoo this move was made.

By Mr. Castleden:

Q. You think this Indian association of Alberta is serving a useful purpose?—A. It did there, an excellent purpose.

Q. Then, we come to the Goodfish Lake reserve?—A. Yes, up at Saddle Lake.

Q. The Indians complain their territory is undergoing an economic decline with a resultant effect on the Indians?—A. My recommendation for that reserve is that we turn it into a range. It is a cattle growing area. It is well watered and has good food in great abundance, legumes and wild hay. It should be changed over from purely agricultural. I was there just the day before I left for Tawa.

Q. What will be done on a reserve such as that now?—A. I am hoping we will have what we call a farm instructor established right on that reserve. The Indian agent has too large a territory to handle in this area.

Q. Do you find that a difficulty, that you are short staffed and are not able to get the work done?—A. This is a vast empire, these Indian reservations. I think there are not very many people who realize what a tremendous area has to be covered and how lightly the department is staffed. I believe by staffing and officering we could meet all the troubles which have been brought before the committee. It is at this point the biggest problem exists. We have not got the staff to handle our tremendous empire.

Q. And you do not always secure the kind of staff you may require because you notice the Indians complain that many of the Indian agents, either because they are overworked or for some other reason, appear to be somewhat superior and do not listen to the Indians. There is a lack of co-operation?—A. The perfect Indian agent would be a perfect man and he has not arrived yet.

Q. What would you recommend? Would you recommend that the agencies be made smaller and have more farm instructors, more qualified men appointed?—A. I think the director has stated, since I have been before the committee, that there is a reorganization underway in the department at the present time which we think will be an advancement. I think he should answer that question.

Q. The treaties promised the Indians, when they went on their reserves, that a white man would do his utmost to lift them—

THE CHAIRMAN: Now, last night, the treaty revision committee met and are to meet again at the call of the chair, which will be some day next week. We will meet with the departmental officers, at which time the treaties, one by

one, geographically, province by province, will be considered. I wonder if you could reserve your question until that time? I am trying to expedite the proceedings because it is nearly one o'clock and there are still some members who have questions to ask.

By Mr. Castleden:

Q. This is my last question. The representatives of the Queen said they were looking forward to see the day when the Indian population would be happy, prosperous and self-sustaining, do you think that the promises of these treaties are being carried out?—A. I think the treaties, as we understood them, are being entirely carried out. In fact, I think in many instances we are giving the Indians more than the treaties required. The thing which has struck me lately is that, for three or four generations—I am speaking of the western Indian—we assumed all of the responsibility and the Indian developed no real sense of responsibility. Now, we must turn around and pass the responsibility on to him in order that he may understand how to conduct his own business. We have now to reverse our own policy.

Q. I think there is a general agreement that there has been too much paternalism?—A. That is exactly it.

Q. The main objective now should be to develop the Indian so that the Indian, himself, can do things. However, if he is now unable to sustain himself by his own efforts, it would be rather harsh treatment to turn him loose immediately?—A. Quite correct.

Q. I think I will ask you if you would agree with the demand of the Indian association that the Indian be—

The CHAIRMAN: If you please, there are other members of the committee who desire to ask questions. I wish you would ask questions rather than make statements.

Mr. CASTLEDEN: I am asking him if he agrees with the Indian association request that greater autonomy be given and the bands be given greater power?—

A. I agree thoroughly. I think it is the only solution to the Indian problem but the Indian must be prepared to accept it.

The CHAIRMAN: Mr. Richard?

By Mr. Richard:

Q. You told Mr. Matthews a while ago, in answer to his question, that the Indian who has received no higher education than the ordinary school is handicapped in obtaining employment when he meets the competition of the white man. How does he fit in amongst his own people? How could he make use of that education amongst his own people?—A. For example, we have just recently made an Indian a farming instructor on the Edmonton Stony Plain reserve. He happens to be the son of Mr. Callihoo, but a much bigger man.

The CHAIRMAN: Physically, you mean.

The WITNESS: Yes. We are absorbing a large number of Indians into our office. I have had an Indian in my own office for some time. He came out of a sanatorium. Chief Yellowfly who was here has been in charge of an office for many years.

By the Chairman:

Q. In charge of what kind of office?—A. He was in charge of the office of a coal mine. He ran the office of the coal mine in the reserve. He did all the work.

By Mr. Richard:

Q. You have no Indians who act as Indian agents?—A. Not yet, sir.

Q. Do you think there is a possibility or an opportunity of placing some of the Indians in that position?—A. I have not yet found the Indians would support an Indian agent who was of the same blood. This is an experiment. Mr. Callihoo will bear me out when I state that my experience over many years has been—this is in the west—that the Indians will not take or have not taken orders from their own people. They must learn to do that.

Q. Is not that a result of our own treatment of the Indians?—A. Quite.

Q. We have been giving them too much paternalism and, as a result, they have not any confidence in their own people?—A. Quite.

Q. I do not think it is a special characteristic of the Indian?—A. No, we have developed it and we have to change our policy along the lines suggested by the association in the brief.

Q. You said they must assume more responsibility in the conduct of their own affairs. I think the best way, then, is to try to promote some of their own people to these positions?—A. That is right. On every reserve now, in our province, we do not allow white labour to be introduced unless it is of a very special nature. The operators of tractors and what not which were formerly often white temporary help, are being replaced by Indians.

Q. Have you any school teachers amongst the Indians?—A. We have school teachers. Mr. Lightning has a sister who is teaching in Ontario. He was here before the committee. We have others, but I cannot tell you their names.

Q. You have not many?—A. Not many among our own people, but we certainly have some girls who are wanting to be teachers who are going to the college at Edmonton and whom our educational branch wants us to send on to normal school. We will place them just as quickly as they can qualify. We had a male teacher last year whom we tried to take into the work, but he refused. Every endeavour is being made, and the committee must realize this, there is no attitude of keeping the Indians down; we are doing everything to encourage them to go on into these positions.

Q. That may be so to-day, but I do not think it was so in the past?—A. No, I quite agree.

The CHAIRMAN: Mr. Gariepy, have you any questions to ask?

Mr. GARIEPY: No, thank you.

The CHAIRMAN: Mr. Bryce?

Mr. BRYCE: Yes, but there are not many questions left after we have had twelve members asking questions.

The CHAIRMAN: I think it would be well, if the members keep the same seats, the next time questions are asked we may go counter-clockwise.

Mr. BRYCE: It might be a good idea. However, you are the inspector for the whole of Alberta, Mr. Gooderham?

The WITNESS: Yes.

By Mr. Bryce:

Q. Most of the questions which have been asked have pertained to those bands of Indians who do not really need any help?—A. Yes.

Q. They are pretty well fixed, in fact, they are a lot better off than a lot of people I know. I should like you, just in a few moments we have left, to say whether there are any reservations in Alberta which have no band funds?—A. I am not so familiar with that part of the work as Mr. McCrimmon who might answer that question. There are one or two, I believe.

Q. We can get that information, in any event. Do you know what bands they would be?—A. The Northern bands.

Q. Tell us something about the conditions there.—A. Well, I do not know them. I have been employed in my present position only for a little over a year. There are bands in the north which I have not visited.

Q. Would you agree with me that there are deplorable conditions existing in those bands?—A. I am only going by hearsay.

Q. You have heard that stated?—A. Yes, sir.

Q. Very poor conditions?—A. Yes.

Q. Are you doing anything to try to improve those conditions?—A. I am trying to get organized.

Q. Have you any program or any scheme in mind about which you could tell the committee?—A. You mean the isolated reserves?

Q. Yes.—A. We are trying, first of all, to find out the industry for which they would be best suited and develop that industry, or assist them in that industry. For example, take the Athabasca agency, grave consideration has been given as to whether or not they should be put up in the lumber business or, up at the Delta, to create a muskrat farming area. I have in mind the matter of fishing. You see, there are limited occupations for some of these places. Some occupations would not be practical. I have not been long enough at the work, sir, to be very definite.

Q. You have been an agent for a long time. Do you know whether there are any reserves in Alberta today where the children are getting no education, that is, the children between 7 and 16?—A. Yes, sir, there are hundreds and hundreds of Indians who are not getting any education.

Q. What is the reason for that?—A. Well, they are isolated for one thing, and there are not enough schools for another thing. The residential schools are overcrowded. The development of the day school is a real problem because you have to secure personnel as well as a building. We have here our superintendent of schools who can give you more detailed information on that problem.

The CHAIRMAN: You mean Mr. McCrimmon?

The WITNESS: Colonel Neary.

Mr. BRYCE: I do not want to take up too much time.

The WITNESS: It may interest you to know there are schools—for instance, up the Alaska highway, the R.C. church missionary and the agent have appealed to our department for a certain building. Through the department, they secured this building from the War Assets Corporation and today they are running a day school which is quite satisfactory for those Indians at that point. At other points, for instance, at Morbider Lake in B.C., certain Indians are attending day school by arrangement with the British Columbia government. At Fort Chipewyan and Fort McMurray, similar schools are being started. That is a move which was started within the last month or two.

By Mr. Bryce:

Q. Your program is in that direction?—A. Very definitely.

Q. Are you stressing day schools?—A. So far as I can, and adult day schools. The Indians are very keen when they come out of the hunting season to get to a centre where they can receive such training. The personnel is very difficult to secure.

The CHAIRMAN: Mr. Case?

By Mr. Case:

Q. We are just about at the end of the journey, but I have a few questions to ask you. The Indian families on these reserves are receiving the family allowances?—A. Yes.

Q. Are the cheques sent directly to the parents of the children, in the main?—A. In the main, yes.

Q. There are some cases in which the agent might find it necessary to administer them?—A. A few cases. The policy has been to put the responsibility where it belongs and if they fall down, to take it away. They do not like to lose that.

Q. In the matter of tribal property, how would an Indian participating in that project define his interest in it?—A. The Indian is most remarkable in that he is far more co-operative with his fellow men than is the average white man.

Q. He has the right to make a will, has he not, and will his property?—A. Yes.

Q. That is what I am getting at, just how he would define his interest if he were making a will to his heirs?—A. Well, if it is tribal, each member of the tribe has a unit interest. He does not need to will that.

Q. It can be passed on?—A. It can be passed on. He does so.

Q. The Indians, while living on the reserve, have bank accounts outside the reserve?—A. Yes.

Q. In the matter of education, you heard Chief Yellowfly make a statement with respect to public schools versus residential schools and so on. Do you think it would be well to institute a public school program?—A. Where feasible, yes, sir.

Q. So there would be an element of choice?—A. I would also go further, I would rather see the Indian child admitted to the white schools if it were possible, than to start segregated Indian schools. I would even go farther and say that we hope, on the Michel band reserve to build a day school which will admit white children if there are not enough Indian children. The matter of assimilation is so important at that age.

Q. On the matter of religion, and I am limiting this to the two religions—the Roman Catholic and Protestant, how do you find the Indians divided with regard to that? Would you say there was a majority who were one or the other?

A. No, sir, it depends on the location a good deal.

Q. So you have a representation of both religions, generally speaking, on all reserves?—A. They are very satisfactorily divided.

Mr. REID: What about the third religion which was mentioned?

Mr. CASE: I am recognizing only the two religions for the purpose of my question because the other religion is not recognized in the development of schools.

The WITNESS: No, sir.

By Mr. Case:

Q. I should like to ask you about the Indian's aptitude for music. Do they have bands?—A. Yes, and they are very fond of it. I should like to take you to some schools where you would hear the most wonderful singing and playing of instruments.

Q. Do you bring in outside instructors?—A. In some instances special instructors are brought in.

Q. They purchase their instruments through the use of band funds?—A. In some instances. Chief Yellowfly has a boy who plays the piano quite well. The piano on which he practices is situated in a large community hall to which he goes to practice.

Q. Are there stores on most of the reserves? Is the reserve, more or less, a self-contained unit? Can the Indians purchase supplies there?—A. Rarely, there are not many stores, not in that province.

Q. You mentioned something about a thousand acres of land, that is, in this 1000 acre project near the Bow River which is irrigated.—A. There are 5000 acres of irrigated land, it is leased land, of which the Indians have already taken over 1,000 acres in the irrigated area.

Q. Are they growing vegetables there?—A. I regret to say that I took special steps to arrange garden facilities for them, had the ground prepared and irrigated, but I cannot say at the moment what they are doing this year. I had the ground prepared and the water running around it last year, but I have not been down there this year. They just started last year.

Q. They can grow vegetables, enough to take care of their needs?—A. Oh, yes.

Q. Reference was also made to the fact that the land lease was such that you could take over certain portions as it was required; that is, that you take up certain portions of that and establish Indians on it?—A. As required, or as the council suggests.

Q. My next question is this, is the lease on the land in such form that you can take over portions of it as it is required at any time?—A. Yes, there is a special clause in the lease permitting us to take over any part of the land at any time throughout the year when it is required.

Q. Can you tell us briefly what they receive in the way of rations, clothing and other allowances, could you give us that offhand?—A. You mean, what they get?

Q. Yes.—A. I will just go over it rapidly. These are the services which the Indians receive from the band fund. First of all there is a per capita payment running from anything about \$30 to \$60 per head per year. That is their allowance. The larger payment goes to those who are over sixty, the elderly people. Following that they provide for the staff, instructors, doctors, nurses and so on, and that, comes to about \$30,000. A large item of expenditure in recent years has been on their rations, which includes their meat.

Q. How much meat are they allowed?—A. Per head?

Q. Yes.—A. They get about seven pounds of meat.

Q. Is that per week?—A. Per week, yes. Seven pounds of meat per week; five pounds of flour per week; at the present time one pound of tea per month; rice; soap and special rations for those who are old, blind or deaf who have no way of getting things for themselves; and there are other things running to a considerable amount. On top of that they have clothing for all the old women and men, and household furnishings for the young married couples. I think that covers it, and that runs to between \$50,000 and \$60,000 a year. Then there is hospitalization, which is the upkeep and operation of the hospital running to about \$35,000 a year. That is a service. Then they have the maintenance of buildings, roads, bridges, irrigation and whatnot; which runs at the present time around \$15,000 to \$20,000. And then there is what we call development, new ventures; that will run to another \$25,000. Anything left over goes for what we call miscellaneous.

Q. Is there anything included in that for shelter?—A. They have already spent half a million dollars on shelter.

Q. I mean, is that new homes?—A. There are about 175 sets of buildings which, as I said, are valued at around \$3,000 to \$4,000 per set; which represents on the whole practically every family, and that is supplied free.

Q. And the newly-married couples will also receive shelter?—A. You mean will they be given a house?

Q. Yes, will they receive shelter in addition to furnishings?—A. Invariably yes; oh, yes. They have more houses than they can use. Most of them have two or three places in which they can live.

* *By Mr. Castleden:*

Q. Do they know how to use them?—A. No, sir. As the director told you the other day there are a number of four-roomed houses which were built thirty years ago and are still vacant. The usual so-called Indian residence is a one-roomed house.

The CHAIRMAN: Mr. Lickers has a question which he wanted to ask.

By Mr. Gariepy:

Q. You have just made the statement that the Indians do not use proper homes. What would be the cause of that?—A. Well, there are two principal reasons. One is, and that is the one I mentioned the other day, they do not consider the house as suitable to their needs. However, the main reason I think is that even at the present stage of his development the Indian is still a one-roomed man; in other words he had formerly lived in a tepee and the extra space is useless to him.

The CHAIRMAN: Mr. Callihoo, you said you had a letter which you wanted to bring to the attention of the committee.

Mr. CALLIHOO: I have a copy of it here.

The CHAIRMAN: Did you want to ask any questions?

Mr. CALLIHOO: No, sir.

Mr. CASTLEDEN: Mr. Chairman, I understand that Mr. Callihoo wants to ask a question?

The CHAIRMAN: I asked him, and he said no. He wants to make a short statement.

Mr. CALLIHOO: What I want to say is this, Mr. Chairman: we have had all the talk about rations from Mr. Gooderham, and from what has been said it would appear that the Indian is getting the very best of everything when as a matter of fact they really are not. Just to show you what happened in times past I will read this letter and that will give you a better appreciation of our problem. This is a letter which was written to the Hon. Mr. MacKinnon, Minister of Trade and Commerce, in March of 1942.

The CHAIRMAN: Would you give us the date of that letter, Mr. Callihoo? I think the letter is on record, isn't it?

Mr. CALLIHOO: No, I do not think so.

The CHAIRMAN: This letter is dated March 27, 1942, and it is addressed to the Minister of Trade and Commerce. I will read it for you. Do you want me to read the whole thing?

Mr. CALLIHOO: No, just as far as I have marked.

The CHAIRMAN: This letter was written from the Hobbema Reserve, Hobbema, Alberta, on March 27, 1942, and, as I said, was addressed to the Minister of Trade and Commerce. It reads:

DEAR SIR,—On January 11, 1941, I wrote to the Commissioner of Indian Affairs and sent a copy to the Prime Minister of Canada and the Minister of Justice and to you as well as Senator Blais. You replied in your letter of January 18, 1941 sending me your sympathetic considerations. The deputy Minister of Justice just said that it was none of his business what was contained in the letter of January 11.

Then you wrote on March 25, 1941 to tell me what Mr. Pratt had told you. Then we did not hear from you until March 9, 1942 in answer to my letter of March 6, 1942.

In my letter of January 11 I told you that the treaty obligations with Her Majesty the Queen had not been carried out. The Minister of Justice says it is none of his business. The Prime Minister of Canada did not reply so I take it that it is none of his business either and as for Senator Blais, he has a pension of \$4,000 a year as long as he lives, so I do not suppose it is any of his business either.

In the same letter of January 11 I pointed out to you that the complaints had been made on a large number of subject matters and that the Indians of Hobbema Reserve and other Indians had requested a judicial inquiry. You did not reply to this part of the letter nor did anyone else.

In the same letter of January 11 a complaint was made that in 1909 the Indians were compelled to sell a portion of the reserve at Hobbema and that the Indians were to receive \$100 per head and the balance of the money was to be put in a fund held by the government and that the interest was to be paid to the Indians. I told you that the \$100 had not been paid. You did not say anything about that.

I complained that in November 1940 cattle were found dead in a slough, that the Indian agent Colonel Lewis bought four of those cattle from a man by the name of Strong Man and that the carcasses had been distributed as rations to the old people. You made no answer to that and it did not impress the Prime Minister nor the Minister of Justice or the life pensioner to take sufficient interest to appoint a judicial inquiry to see why dead meat should be given to Indians. If the meat of a dead animal were served up to you and the Prime Minister of Canada some one would have been put in jail for it but so long as it is to an Indian who has no votes it does not make any difference to you, the Prime Minister of Canada or the Minister of Justice and the life pensioner who as a doctor ought to know that such a dirty trick is not done except to Indians.

What is the purpose of that, Mr. Callihoo?

Mr. CALLIHOO: That is a copy of a letter addressed to the Honourable J. A. MacKinnon, and I have asked Mr. MacKay who signed it for a copy of that letter. There have been letters going back and forward to the Indian department or whoever it is. I asked for those letters a long time ago and he said he needed them on his file in Edmonton because he said they would be needed some day. When he died of course I went to the office and they told me they couldn't let those files out.

The CHAIRMAN: If there is any other letter of importance I am sure we can get copies of it from the files of the department. I am sure it can be worked out if you will get in touch with this committee.

Mr. CASTLEDEN: You have no complaint about the ration being given out on the Indian reserve now?

Mr. CALLIHOO: No, no. It is up to them. I do not know about it anyway because we belong to a different reserve altogether.

Mr. CASE: In relation to this letter, are you supporting the testimony that the \$100 has not been paid?

Mr. CALLIHOO: I cannot support it because I am not sure, because it is just a letter.

Mr. CASE: The letter has to speak for itself.

Mr. CALLIHOO: Yes.

The CHAIRMAN: A meeting of this committee will be held on Monday in room 368 at 11.00 a.m.

Mr. BLACKMORE: Will Mr. Gooderham be there?

The CHAIRMAN: Mr. Gooderham will be there. It has all been arranged, Mr. Blackmore, that we will hold a closed meeting.

The committee adjourned at 1.05 p.m. to meet again on Monday, April 28, at 11.00 p.m.

OK 76 1947
(SESSION 1947)



SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPOINTED TO CONTINUE AND COMPLETE THE EXAMINATION
AND CONSIDERATION OF THE

(INDIAN ACT)

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 16

THURSDAY, MAY 1, 1947

WITNESSES:

Chief William Scow, President, Native Brotherhood of British Columbia;
Reverend P. R. Kelly, Chairman, Legislative Committee, Native Brotherhood of British Columbia;
Mr. Guy Williams, representing unaffiliated Indians of British Columbia.

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1947



MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,
Thursday, May 1, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 11 o'clock a.m.

Presiding: Mr. D. F. Brown, M.P., (Joint Chairman).

Present:

The Senate: The Honourable Senators McKeen and Taylor. (2).

The House of Commons: Messrs. Blackmore, Brown, Castleden, Farquhar, Gibson (*Comox-Alberni*), MacNicol, Matthews (*Brandon*) (*Vice-Chairman*), Raymond (*Wright*), and Reid. (9).

In attendance: Dr. H. L. Keenleyside, Deputy Minister, Mines and Resources; (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; R. L. MacInnes, Secretary; Major D. M. MacKay, Commissioner, Indian Affairs, British Columbia; H. M. Jones, Supervisor, Family Allowances; F. Neary, M.B.E., Superintendent, Welfare and Training; D. G. Armstrong; Armstrong; G. Patrick, K. L. Balderston; Dr. P. E. Moore; Dr. Gordon Bell, Loux Lookout, Ontario; Misses M. Walton, A. Nolet; (From Native Brotherhood of British Columbia): William Scow, President; Rev. P. R. Kelly, Chairman, Legislative Committee; Guy Williams (representing Unaffiliated Indians), also Thomas Gosnell, Fort Simpson; (From Christian Island, Ontario): Messrs. Henry Jackson, Edward Sandy, Bert Monague, Lewis Jackson.

The Chairman conveyed to the Committee the regrets of the Honourable Mr. Stirling that it was not possible for him, owing to illness, to be present.

Mr. Raymond (Wright), presented the fifth report of the sub-committee on agenda and procedure. (For text, see Minutes of Evidence).

On motion of Mr. Raymond, after discussion, it was

Resolved: That the fifth report of the sub-committee on agenda and procedure be adopted.

It was agreed that Mr. Thomas Gosnell, Fort Simpson, British Columbia, be heard as a witness.

The Reverend P. R. Kelly, Chairman, Legislative Committee, Native Brotherhood of British Columbia, was called, made a statement with regard to the membership and representation of that organization. Mr. Kelly introduced the members of his delegation, and read their brief.

Chief William Scow, President, Native Brotherhood of British Columbia, was called and made a statement.

Guy Williams, representing unaffiliated Indians of British Columbia, was called, made a statement.

Questioning of the above witnesses was postponed until the next meeting of the Committee.

The Committee adjourned at 1 o'clock p.m., to meet again on Friday, 2nd May next, at 11 o'clock a.m.

T. L. McEVOY,
Clerk of Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

May 1, 1947.

The Special Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 11.00 a.m. Mr. F. D. Brown, M.P. (Joint Chairman), presided.

The CHAIRMAN: If you will come to order, gentlemen, we will proceed with the meeting of the committee. As you know to-day, we have representatives of the Indian population of the province of British Columbia. I am glad to see that all British Columbia members of the committee are present, including Senator McKeen, Mr. Reid, Mr. Gibson, except the Honourable Mr. Grote Stirling who has called me with regard to his inability to be present because of serious illness which is confining him to his home. Did I miss somebody?

Mr. GIBSON: Mr. Castleden thought you were referring to us as British Columbia Indians.

Mr. CASTLEDEN: I was complimenting them.

The CHAIRMAN: Actually Mr. Stirling is confined to bed. He has asked me to express to the committee his regrets for his inability to be present. We are sorry to learn of his illness because he is a valuable member of the Committee.

The first matter of business is the report of the subcommittee. Will you give that report, Mr. Raymond.

Mr. RAYMOND:

May 1, 1947.

FIFTH REPORT OF SUBCOMMITTEE ON AGENDA AND PROCEDURE

Representation of Indians from Ontario and Quebec

Your subcommittee agreed to defer the consideration of the Quebec representation until a later date, as our schedule for the month of May is complete, except for odd days which are being kept open in case a decision to hear some individual or organization should be reached before the end of the month.

With regard to representation of Indians resident in Ontario, your subcommittee recommends that six delegates be heard, distributed as follows: two to be chosen by the Six Nations' Council; one to represent the Indians in the south-western part of the province; one to represent the Indians in the Georgian Bay-Manitoulin Island area; one to represent the Indians in the north-west angle treaty area; and one to represent the Indians in the James Bay district. The usual expenses payable to witnesses asked to appear before a Committee of the House be paid to these accredited delegates.

North American Indian Brotherhood

The delegates from this Brotherhood will be heard commencing on Monday, May 5 next. The president of the Brotherhood was notified that the accredited delegates are Andrew Paull, representing Western Provinces; Chief Tom Jones, representing Central Provinces and Mr. Norman Saylor, representing Eastern Provinces.

Representation of Saskatchewan Indians

Notification has been received that the Saskatchewan representatives are: Chief John Gambler, Edenwold; John Tootoosis, Paynton; Chief John Dreaver, Leask and that Reverend Ahab Spence is accompanying the delegation. This delegation has been notified to appear before your Committee on Thursday, May 8.

All of which is respectfully submitted.

The CHAIRMAN: The adoption of the report is moved by Mr. Raymond, supported by Mr. Reid, all in favour?

Mr. FARQUHAR: Before we adopt this report I would like to ask how you plan to choose representatives of the Indians from Manitoulin and vicinity. They are not organized.

The CHAIRMAN: If I may just speak on behalf of the subcommittee—

Mr. FARQUHAR: I would just like to say to the committee first, that there are some ten bands in that vicinity and none of them are organized. I do not know how you can arrange to have a representative who would represent all of those different bands. I was wondering if you have considered that.

The CHAIRMAN: If I may speak on behalf of the subcommittee, Mr. Farquhar. In the case of the British Columbia Indians there is not the same difficulty in getting representations. That applies to Alberta, Saskatchewan, and Manitoba. In those provinces there are organizations of Indians representing a large percentage of the Indian population so that at least one person can speak authoritatively on behalf of the organizations. In Ontario there does not appear to be any organization which will represent any large body of Indians and there is a total Indian population, I am informed, of around 35,000. The exact figure regarding that population is in the record. The largest number of Indians in Canada is in Ontario and that problem of representation has given the committee a great deal of concern. In your particular case, we can see the advisability of writing to the Manitoulin Indians and asking them to send representatives from all the various bands and reserves to a central point to be heard by the Committee or a portion of it, but due to the pressure of governmental affairs during the rest of the session the committee does not feel that it is feasible to go to Manitoulin Island. As a result we are going somehow to ask that the Indians of that area confer, probably with yourself, for the purpose of naming one delegate. Now, of course, if others want to come along at their own expense there is no objection, and whether or not we can hear them depends on the time of the committee. Probably you could assist us, Mr. Farquhar, in naming somebody who would truly speak for the Indians in your area.

Mr. FARQUHAR: That is just the question. I do not think I could do that. I do not think the bands would agree to any one Indian representing all of them. There are some ten bands and they are scattered very widely throughout the constituency. They would find it somewhat difficult to get together to appoint a representative.

Mr. REID: What is the population of the bands?

Mr. FARQUHAR: The largest band has over 1,500. I think I gave the total figure here recently. I think there are over 3,000 if I remember well.

The CHAIRMAN: I am told it is about 3,600.

Mr. FARQUHAR: 3,600, I see. The Wikwemikong band has over 1,500.

Mr. MACNICOL: What is the largest band in the Manitoulin area?

Mr. FARQUHAR: The Wikwemikong.

Mr. MACNICOL: Would that figure take in the Batchawana or Ojibbewas, near Sault Ste. Marie?

Mr. FARQUHAR: I doubt if they could come that distance.

Mr. MACNICOL: Well I think that is the best suggestion; they had better meet together and select from themselves a representative.

Mr. CASTLEDEN: In the recommendations of the committee you say there is one representative to represent the Indians from the Georgian Bay Manitoulin Island area.

The CHAIRMAN: That is right.

Mr. CASTLEDEN: But I understand from Mr. Farquhar that there is no organization—

The CHAIRMAN: That is right.

Mr. CASTLEDEN: Whereby they might come to an agreement as to who should represent them.

The CHAIRMAN: Therefore we suggest they assemble and name somebody. If they cannot, we will have to give it further study.

Mr. CASTLEDEN: I should like to ask this question. I understand there was a union of Ontario Indians formed last year in an attempt to organize the Indians of Ontario. I think they made application to the committee to have a representative of their organization appear here. Did the committee receive any such application from an organization known as the Union of Ontario Indians?

The CHAIRMAN: We have had several reports from various bands. I do not recall that particular group.

Mr. CASTLEDEN: Not a band. This is known as the Union of Ontario Indians. The secretary is Henry Jackson.

The CHAIRMAN: He invited us to some sort of little gathering he was having, but I do not think there was ever any invitation extended by the committee to his union.

Mr. CASTLEDEN: Did he make application to appear before this committee, or to have a representative of his organization, the Union of Ontario Indians, appear?

The CHAIRMAN: I do not recall he did.

Mr. FARQUHAR: I am informed by representatives who are here to-day from Christian Island, off the Bruce Peninsula, that an effort was made last fall to organize the Indians in that vicinity, but the organization has not yet been completed. I think there was a representative from only one band on the Manitoulin Island who attended that meeting. I believe it was held at Sudbury.

Mr. MACNICOL: I notice one representative is to come from southwestern Ontario. There are three main bands down there.

The CHAIRMAN: The same would apply there.

Mr. MACNICOL: The Muncies, Moraviantown and Walpole Island.

The CHAIRMAN: We did not feel we could hear representatives from every reserve in Ontario.

Mr. MACNICOL: I know them all. They are all friendly. No doubt they will get together and select someone to represent them.

The CHAIRMAN: We did receive a letter dated April 10, 1947, from Henry Jackson, but in that letter he does not ask for any hearing by this committee. He merely gives us a report submitting resolutions, and so on, that were passed at a convention held on Parry Island, on August 19 and 20, 1946, and other meetings, but they do not ask to appear.

Mr. CASTLEDEN: This was an organization known as the Union of Ontario Indians.

The CHAIRMAN: He is the joint secretary of the N.A.I.B.—

Mr. CASTLEDEN: North American Indian Brotherhood.

The CHAIRMAN: —and Union of Ontario Indians. That is the only letter we have in which he states they represent a majority of Ontario Indians, which has yet to be proven.

Mr. MacNICOL: What is your procedure? You will write the chiefs of those three bands.

Mr. FARQUHAR: If that is the decision of the committee I will do what I can in an effort to try to get them together and arrange for a representative.

The CHAIRMAN: There is another matter with respect to the North American Indian Brotherhood. We have a wire from Mr. Paull that Chief Tom Jones cannot be here on Monday, the 5th day of May, because of treaty payments on May 7. He would like to be heard at a later date. I assume that is the pleasure of the committee.

Mr. RAYMOND: But Mr. Paull and Mr. Saylor will be here?

The CHAIRMAN: They will be here on the 5th of May, next Monday. Chief Tom Jones may not be here until a later date. We also have a communication from Andrew Paull in connection with a request to hear one Frank Assu, who is a member of the North American Indian Brotherhood. As you know the reason we are hearing the North American Indian Brotherhood this year is because when they were here a year ago and had a conference with this committee we said that at a later date we would call them for their official presentation. He wants to have Frank Assu, represent the unaffiliated B.C. Indians. In his letter of April 11, 1947, Paull says:

I think it would be a gracious act on the part of the Indian Act committee to allow one of the Indians from the northern interior of B.C. to speak instead of two speakers from the Native Brotherhood of B.C.

who represent only some of the Indian fishermen of the B.C. Coast.

Further on he says:

Frank Assu now residing at Steveston, B.C. was the unanimous choice of a meeting of Indians at Kamloops last Sunday to be the speaker from the unaffiliated Indians of B.C. so I hope you will recognize him as one of the delegates.

We did not feel we could pay the expenses of Mr. Assu from British Columbia, so we sent a wire to him reading:

Matter of representation of unaffiliated Indians of British Columbia was delegated by committee to Native Brotherhood of British Columbia a provincial organization. . .

(by the way, Mr. Andrew Paull will be here next Monday and he can speak on behalf of the North American Indian Brotherhood)—

Representation of the North American Indian Brotherhood, as a national organization, was given same representation as a province namely three delegates. Andrew Paull has already chosen three delegates. Delegation from province does not include your name. Regret only official delegates have their expenses paid. Decision to hear other than accredited delegates is made only at time of meeting of committee.

Mr. REID: That brings up a question which I think should be discussed now. I understand other delegates have come forward from British Columbia.

The CHAIRMAN: Just one, Mr. Gosnell.

Mr. REID: We may have to decide whether we will hear him.

The CHAIRMAN: That will be brought up when Mr. Kelly makes his introduction. We have wired Mr. Assu. The procedure will be the same as it

s to-day. We cannot pay the expenses of more than 3 delegates but in the event they come and we have the time I am sure that the committee will be pleased to hear them.

Mr. CASTLEDEN: May I ask the representative of the Native Brotherhood if Mr. Frank Assu was not once a member of your executive?

Rev. Mr. KELLY: He was a member but he has withdrawn his membership from our organization.

The CHAIRMAN: It is moved by Mr. Raymond and seconded by Mr. Reid that this report of the subcommittee be adopted. All in favour?

Carried.

Gentlemen, we have with us to-day the representation of the Native Brotherhood of British Columbia. They have named a representative to speak on behalf of the unaffiliated organizations of British Columbia. The delegation is headed by the Rev. P. R. Kelly who has with him Chief William Scow, President of the Native Brotherhood of British Columbia, Mr. Guy Williams who, I believe, is a member of the Native Brotherhood of British Columbia but will speak particularly in connection with the unaffiliated Indians, and Mr. Thomas Gosnell who is accompanying the delegation. If there is time available is it your pleasure to hear Mr. Gosnell?

Mr. REID: I so move.

The CHAIRMAN: All in favour?

Carried.

We will hear from Mr. Gosnell in due time. You understand, of course, gentlemen, that each province is permitted only three delegates whose normal expenses are paid. Any other persons in attendance have not that privilege, unless the Committee decides otherwise at the time.

Mr. REID: I am sorry to raise the point, but how did we agree to six from Ontario with a population of 36,000 and three from other provinces, particularly British Columbia with a population of nearly 26,000 Indians?

The CHAIRMAN: I understand that the population of Ontario is 36,000 and the population of British Columbia is about 25,000, but fortunately in British Columbia they have one incorporated organization, the Native Brotherhood of British Columbia. One person can speak on behalf of all members of that organization, whereas in Ontario we are not in such a fortunate position. They are not so highly unionized.

Mr. GIBSON: I wonder if it might be a matter we could refer to the subcommittee on agenda and procedure for further discussion on the point.

The CHAIRMAN: I think that is in order. Thank you, Mr. Gibson. First of all I want to introduce to the committee the Rev. P. R. Kelly of Ocean Falls, British Columbia, who will introduce the delegation of the Native Brotherhood of British Columbia. Would you introduce first the other members of your delegation?

Rev. P. R. Kelly, called

The WITNESS: Mr. Chairman, and honourable members of this committee: I should like to introduce the president of our organization, the Native Brotherhood of British Columbia, Chief William Scow. Then there is Mr. Guy Williams. He is a member of our organization. He was business agent of the organization last year. When we were requested to name a representative for the unaffiliated Indians, because of his closer acquaintance with the larger body of Indians he was named by our organization to represent them. He is here in that capacity. Mr. Thomas Gosnell from Fort Simpson is not an accredited delegate.

By the Chairman:

Q. Whom does he represent?—A. He is also a member of our organization in good standing. He was treasurer of the organization last year.

Q. Mr. Williams is a member of your organization?—A. Yes.

Q. So there is really no representative here from British Columbia who is not a member of your organization?—A. No.

Q. Is there any way in which you could get a representative here who would truly represent those B.C. Indians who are not affiliated with your organization?—A. In our judgment what we have done was the best we could do. In connection with every organization I think it can be said that there are many people who are lukewarm. They like to associate themselves with organizations while things are going splendidly, but they prefer to sit on the sidelines looking on. There are a great many in British Columbia like that. I might say by reason of an intensive campaign against some of the things that the Native Brotherhood of British Columbia stands for some of our former members have become suspicious. They do not know just what to do. They are bewildered. Yet as we see them and as they come to our meetings and hear what we are talking about they realize we stand for the things that they long to see spread among their people. Mr. Guy Williams is one of the best fitted men in my opinion to represent the unaffiliated Indians. He has travelled extensively in the interior of the province, up and down the whole coast, on Vancouver Island and other places. I think he knows their problems as well as anyone can hope to do so.

Q. Approximately how many members of your organization have you in British Columbia?—A. In our organization there are paid members in good standing numbering about 2,000—2,000 male paid members.

Q. All male paid members?—A. Yes.

Q. You do not include the women?—A. There are auxiliary women's organizations.

Q. When you refer to 2,000 paid members they are all men?—A. Yes.

Q. And that does not include any women?—A. No. There are auxiliary women's organizations. The sisterhood of British Columbia probably covers another 1,000 or 1,500, probably 2,000.

Q. Then that would represent roughly what population. 2,000 male members would represent what population?

Mr. MacNICOL: There would be five to a family on the average, say 10,000 men, women and children.

The CHAIRMAN: 10,000.

The WITNESS: In the submission made last year by Major MacKay, the Commissioner of Indian Affairs, he estimated there were 12,000 Indians in British Columbia under the age of 17.

The CHAIRMAN: We will assume it is roughly 10,000. There are 25,000 Indians altogether in British Columbia so that you claim to represent close to half of the Indian population. Would that be correct, Mr. MacKay?

Mr. MacKAY: I would think that the Native Brotherhood would represent very approximately half of the population, certainly not more than half. It is the only organized group of Indians in the province. The interior of the province is not greatly represented by the Native Brotherhood. As far as I know it is mainly a coast and fishermen's organization. The information we have—and, of course, it is subject to correction—is that the Native Brotherhood has not penetrated into the interior of British Columbia in the matter of paid membership to any great extent, so I should say it would be reasonable to assume that the Native Brotherhood certainly would not represent more than half of the Indians of the province of British Columbia.

The CHAIRMAN: While you are on your feet can you tell us if, in your opinion, there is any way whereby we could get one person to represent all of the unaffiliated Indians of British Columbia?

Mr. MacKAY: I think there should be a way. There probably is a way.

The CHAIRMAN: Do you know of the way?

Mr. MacKAY: We would have to consult with some of the agents and probably the church organizations and others interested in our Indian work. There is a very large group of Indians in British Columbia who do not subscribe to the Native Brotherhood organization or to any other organization for that matter.

The CHAIRMAN: Can you tell us how we could get a true representative from that large body of persons?

Mr. MacKAY: I think I would have to have some time to think that out.

The CHAIRMAN: I might tell you that this committee, and the subcommittee on agenda and procedure, have spent considerable time over the past two years trying to figure out some scheme and we have not yet evolved any scheme because of the fact that those who are involved do not seem to want to confer and appoint any one person to speak on their behalf.

Mr. MacNICOL: We will hear from the gentleman Rev. Mr. Kelly has mentioned.

The CHAIRMAN: I want to make it clear we have done everything possible to get a representative of the unaffiliated Indians in each province.

Hon. Mr. McKEEN: Could you not use the same procedure that you are following in the province of Ontario for your unaffiliated groups in British Columbia?

The CHAIRMAN: If you can name any one person or any group of persons who would speak on behalf of the unaffiliated Indians of British Columbia we would be very glad to have that name. We have had many briefs from British Columbia, from Indian tribes and other organizations; printed in our minutes.

Hon. Mr. McKEEN: I do not feel at all qualified to do anything like that because I am new on this committee and new to this procedure.

The CHAIRMAN: You have learned very quickly, and well.

Hon. Mr. McKEEN: From what I have heard I would think that whatever procedure you are following in Ontario could apply in British Columbia. In Ontario you have unaffiliated groups without any organization. You have the same thing in British Columbia in a large part of the province. I think the same thing could be done.

The CHAIRMAN: I think you will agree that if we had any organization in Ontario which would represent any large group of the Indian population we certainly would not be suggesting to this committee the representation that is now proposed for Ontario.

Mr. MacNICOL: I suggest we get on with the witness. Time is getting long.

Mr. CASTLEDEN: The matter of representation is most important. In the correspondence received regarding Frank Assu was it not pointed out there was a meeting of the interior Indians on Sunday last, and that they had chosen someone whom they wished to represent them?

The CHAIRMAN: That is one group out of probably 15,000.

Mr. BLACKMORE: Can this matter not be discussed by our "steering" committee? We have all these Indians here. Surely we can discuss it when they are not here.

The CHAIRMAN: I am quite content. I am only pointing out that it has been discussed and rediscussed, and the rediscussion has been rediscussed on many occasions by the subcommittee, and we cannot find a solution. We will get on with the witness.

Q. Mr. Kelly, are you the spokesman on behalf of the Native Brotherhood of British Columbia?—A. I am.

Q. Would you care to present your brief?—A. Before doing so I should like to clarify one matter. I do not want to leave any doubt hanging in your minds. I beg to say that Frank Assu is no more qualified to represent the unaffiliated Indians of our Province than is Mr. Guy Williams. Mr. Frank Assu is a fisherman with headquarters at Steveston, B.C. The unaffiliated Indians extend from the Alaskan boundary, north of Prince Rupert, to the Stikine river just inside the coastal boundary line of Alaska. Unless one has an unlimited amount of money to travel to those places he cannot get there, and we have not the funds to go around. Delegates have been sent from different places again and again. I beg to say that in our organization I think we represent, if you will excuse the expression, the "cream of the crop." That is our claim.

Q. Thank you very much.—A. Mr. Chairman and hon. gentlemen:

The Native Brotherhood of British Columbia have the honour and pleasure to present for your earnest consideration the within brief. The subject matter thereof considers Indian administration in general, and in particular the matters specified and numbered one to eight in the orders of reference of both the Senate and House of Commons made on Thursday, the 13th day of May A.D. 1946, at Ottawa. The sections of the within brief have been numbered to correspond with the enumerations of these matters as made in the said orders of reference.

The representations, respectfully submitted, of the Native Brotherhood of British Columbia, are as follows:—

1. *Treaty Rights and Obligations:*

Wherever there are treaty rights and obligations these should be strictly adhered to and should not be abrogated without the consent of both parties.

2. *Band Membership:*

(1) Band membership is provided for in the present Indian Act, and where it is considered necessary, the terms should be more flexible to admit such persons as are considered suitable by the band concerned.

One practical instance would be on the death of her white husband an Indian woman should be admitted to the band. Similarly where an Indian woman has married a white man and has suffered desertion for a period of some specified time, she should be permitted to rejoin the band.

Where enfranchisement has occurred and it is found that the Indian is not suitable for citizenship some provision for re-admission to the band should be provided subject, however, to forfeiture of any right on the capital fund of the band.

I might say we thought of adding the words "until the money drawn from the band has been repaid in full." It is felt that these provisions would add to the self-esteem of the person in question as well as make adequate economic provision in the instances of women concerned.

(2) No member should be removed from band membership unless it be by the will of the person and the band concerned.

It is considered that the band concerned should have a veto on enfranchisement.

Similarly, no enfranchisement should occur at the instances of other than an Indian or his band as is permitted under section 110 (5) of the "Indian Act." This present section 110 (5) may allow of abuses in that the Indian agent c

his subordinates can threaten Indians with enfranchisement. It may be said that no enfranchisement could occur unless under proper governmental auspices but individual cases show that the Indian agent or his subordinates can threaten an Indian and it would be possible legally that the Indian would be enfranchised without his consent or the consent of the band as specified in section 110 (1). Whatever argument may be advanced that only proper and bona fide governmental action would be taken, nevertheless, under the present section there is colour that improper action could be threatened.

(3) Illegitimate children's membership should be protected fully.

Section 12 of the present Act should be eliminated. It follows all generally accepted legal principals in this country that the illegitimate child has the status of its mother. Indian children are certainly entitled to the full status and benefits of and from their mother.

3. *Liability of Indians to Pay Taxes*

(a) The imposition of income tax and other taxation on the native people is viewed as unjust, as they have no voice in the affairs of the country; they are treated as wards and minors. The natives look upon this as a violation of the British principle, "No taxation without representation".

There is no legal instrument in existence which suggests that the governments in Canada have the right to tax Indians. On the other hand, there was a tacit understanding when the Indians relinquished their domains to Canada that they would be free from taxation.

Under article 13 of the "Terms of Union" between British Columbia and the dominion:—

The charge of the Indians, and the trusteeship and management of lands reserved for their use and benefit, shall be assumed by the dominion government, and a policy as liberal as that hitherto pursued by the British Columbia government shall be continued by the dominion government after union.

British Columbia never taxed Indians prior to union. Let us consider the situation historically.

The only records of direct transfer of lands by the Indians are referred to in "B.C. Papers Connected with the Indian Land Question, 1850-1875", wherein the Indians made transfers of lands to the Hudson's Bay Company. Therein were reserved to the Indians hunting and fishing rights as formerly carried on by the Indians. This has been the pattern for British Columbia in taxation. No hunting or trap line licences have been charged, although when Mr. Jones was Minister of Finance an individual fee for a gill netter was set at five dollars (\$5) and the fee for operating a seine boat was fifty dollars (\$50) per boat. This caused considerable contention and these fees or taxes were gradually dropped. However, with the advent of income tax, even Indians working on fishing boats have been taxed. There would appear no justification for this taxation in view of the aforementioned considerations.

As stated under the "Terms of Union" the Indians were supposed to receive just as favourable treatment after union. However, economic conditions and modes of living in Canada have changed to the detriment of the Indians. This condition arises because the reserves set aside for the Indians have now become inadequate.

In British Columbia, the Indians have no treaty rights save and except the treaties made by Sir James Douglas and these were with small bands of Indians. The reserves for the Indians were not sufficient to make the Indians self-sustaining and provide sufficient revenue for their well being. They were not given sufficient lands to allow them to be self-supporting and self-sustaining,

while on the other hand the lands contiguous to the reserves have been commercialized and exploited with no benefit to the Indians. For instances, logging operations have removed the rights of the Indians to take any timber from contiguous lands however necessary it may be for their welfare. The fact now is that in British Columbia the reserves have become inadequate.

(b) If the governments have the right to impose taxation on the Indians, then such social benefits as are enjoyed by the taxpayers of the country should be granted to the Indians, such as:

- (i) Old age pensions.
- (ii) Mothers' pension.
- (iii) Social assistance.
- (iv) Home for the aged.

It is appreciated that family allowance is made available for the Indians.

If there is to be taxation then for the Indians there should be adequate representation in the affairs of government and adequate compensation for the taxation so imposed.

(c) The native Indians should also be given equal opportunities for employment in civil service, in public works, and other forms of employments.

An instance may be cited where an Indian made application for the position of engineer on the Indian agent's boat. Although the Indian applicant had superior knowledge and qualifications, he was refused the position simply because he was an Indian. Reference could be made to the evidence of Brigadier Martin (minutes and proceedings of evidence, number 19) with respect to his application for an Indian agency.

(d) The denial to the Indians of the rights to pre-empt lands should also be removed.

Before reading the next section, "Enfranchisement of Indians", may I pause here and explain that because we have followed the headings in the orders of reference and have used those headings here we have been accused of championing the cause of enfranchisement for Indians. We have merely followed the orders of reference.

4. *Enfranchisement of Indians*

Enfranchisement, as it is provided for in the Indian Act, is not satisfactory. Because of that very few Indians have availed themselves of it. They do not wish to sacrifice the hereditary rights as Indians simply for the right to vote. Yet this is a right of citizenship which they crave because they live under the laws of the land and feel that they should have some voice in the formulation of such laws.

The only solution is to extend the rights of citizenship to the Indians as such without the necessity of their enfranchisement. The rights of citizenship should be extended to the Indians, but in view of the many issues involved, careful consideration should be given to the conditions under which this could be granted. A system of native representation such as the Maoris enjoy in New Zealand could be the pattern followed in Canada. There the Maoris retain their aboriginal rights, but at the same time have full representation in parliament. See New Zealand Year Book (1944). Why cannot this be done in Canada?

The incentive to advance is noticeable where the rights of citizenship are enjoyed by the native people as they are in Alaska.

Perhaps a more comprehensive understanding can be had if one realizes that Indians can be placed in perhaps three main categories:—

- (a) There are Indians who boast of the fact that they are Indians, remain Indians and will die as Indians. They insist on being wards of the

government in the fullest sense and do not want any part of progress. They are suspicious of any advancement from the past.

- (b) There is a second group that want all the advantages of civilization and progress. They want education and all the medical care that the government has to offer, as well as other securities that come to them on the reserve life, but they do not want to even consider the responsibilities that these involve. They want to be carried along "on flowery beds of ease".
- (c) There is a third group that sees things just as they are. They appreciate all the advantages of civilization and realize all progress has its price, that the profits of civilization are fully appreciated only by those who have had to face some of the responsibilities for it. This group comprises the more virile type. They want to have all these advantages of civilization and profit by its spiritual and material values. They also have learned this means shouldering responsibility. They want the rights of citizenship but do not wish to surrender their hereditary rights all in one stroke.

Obviously it should be the objective of the Indians as well as the government by all means at their disposal by way of education and otherwise to bring all the Indians within the third category to the realization that to every right there is a corresponding duty. Then a beginning can be made towards citizenship followed by a transitionary period of probation towards ultimate citizenship.

5. *Eligibility to Vote in Dominion Elections*

Eligibility of Indians to vote in dominion elections should be granted under the conditions outlined above.

6. *Encroachment on Indian Reserves*

So long as Indian reserves are what they are, it is unreasonable for white persons to encroach on them.

7. *Day and Residential Schools*

Education of Indians at present is the sole responsibility of the federal government; therefore, in conformity with the other educational practises in Canada generally, Indian day and residential schools should be free from denominational jurisdiction. In British Columbia the B.C. curriculum should be used exclusively and the supervision and inspection of the schools under the provincial inspectors, the cost of such supervision to be borne by the federal government. The school age should be advanced to eighteen (18) years due to the broken period of attendance occasioned by the casual geographical employment of the parents. Where fathers have to leave home for their employment, the mothers should be encouraged to remain at home and keep their children attending school. Wherever possible the Indian children should be permitted to attend the public schools and the per capita cost thereof paid by the federal government. As a fundamental principle Indian children should be allowed to attend Canadian public schools.

Residential schools should be maintained for pupils not within range of the day schools and these schools should also be non-denominational. At Port Alberni for instance, there is a large residential school which should include high school facilities. If this particular school cannot be equipped and staffed for high school education then the pupils should be allowed to reside there and attend the regular high school. However, wherever possible the day school system should be encouraged and day schools established.

There are two salient features pertaining to schools and education generally which should be stressed:—

(a) The schools should be undenominational.—The Indians appreciate that at one time the entire cost of education was borne by the churches but they believe that education being the sole responsibility of the federal government under the law the federal government should exercise and implement this responsibility into direct action.

At the present time the churches furnish part of the moneys expended on education and the Indians are very grateful and appreciative thereof. If the dominion government assumed the cost then the churches would have additional money to advance their ministry in additional social services and practical benefits to the Indians. Education is the primary duty of the government and not of the church and as such should be undenominational.

(b) Greater facilities and opportunity for education.—The opportunity to obtain high school and university education should be available more generally for Indian youth. In isolated instances in British Columbia the Indian agent has permitted Indians to attend the regular high schools but a great number of deserving Indian students have been denied this privilege, that is, refused by the Indian agent. What a situation this is when we consider that the Indian agent is, in a sense, in control of the intellectual development of, and thereby controlling, the destinies of a people, a race. No individual should be denied the right of intellectual advancement at the behest of one man however benevolent a despot he may appear to be.

The time has certainly come for the government to inaugurate a higher standard of training in the schools and employ more highly trained and competent teachers. The need for more advanced vocational training is evident. There are many reasons for the government's deficiency such as the difficulty in obtaining white teachers to handle this more difficult work and to pay adequate salaries therefor. The dominion government could and should alleviate this problem by training Indian workers.

There must of necessity be improved educational facilities. It should be the objective in Indian education to train Indian leaders and teachers, nurses and others for work in the Indian communities. How then can this be done without proper educational facilities?

It has been very difficult and in many instances impossible to get properly trained white teachers and nurses to live in isolated areas. An Indian girl trained as a nurse would feel quite at home at Kitamaat, for instance, whereas a white girl nurse finds the district far too isolated and dreary. This illustration is from actual experience. Why should there not be an adequate supply of Indian nurses made available? With proper educational facilities this would soon be possible. The same applies to all branches of Indian education and social service.

In British Columbia the educational situation is deplorable, as shown by the following statistics:

According to evidence presented by Major D. M. MacKay, Commissioner for Indian Affairs in British Columbia, to the Special Joint Committee of the Senate and the House of Commons in June, 1946, 12,000 or nearly 50 per cent of the Indian population of B.C. are 17 years of age or under. In the year 1945-1946 only 4,100 Indian children were enrolled in schools. It was estimated by Major MacKay that approximately 1,200 Indian Children in B.C. were receiving no education whatsoever. Of those enrolled, only 87 had reached Grade VIII, while 142 were in Grade VII, 261 in Grade VI and 382 in Grade V. Only 24 Indian pupils were receiving high school education. There were 20 Indian pupils attending the elementary public schools of the Province.

Mr. CASTLEDEN: Before we leave that may we have one matter cleared up. There seems to be slight difference.

The CHAIRMAN: Mr. Castleden, I think you know the rules and procedure, previously followed in this Committee.

Mr. CASTLEDEN: I understand those, but I think there is a matter of correction of figures. It is just that 12,000.

The WITNESS: 1,200.

The CHAIRMAN: Is it your wish to have examination at this time?

Mr. CASTLEDEN: I do not want to examine him. It is merely a correction.

The CHAIRMAN: Then would you point out the correction?

Mr. CASTLEDEN: It says 12,000 children.

The WITNESS: 1,200.

The CHAIRMAN:—"and the House of Commons in June, 1946, 12,000 or nearly 50 per cent of the Indian population of B.C."—and only 4,100 enrolled?

The WITNESS: That is right.

Mr. CASTLEDEN: It would seem to me there would be 8,000 without education, and you only have 1,200.

Mr. RAYMOND: Some were under school age.

The WITNESS: I am simply quoting from the evidence given by Major MacKay.

The CHAIRMAN: Proceed.

The WITNESS:

8. OTHER MATTERS OR THINGS PERTAINING TO THE SOCIAL AND ECONOMIC STATUS OF INDIANS AND THEIR ADVANCEMENTS

(a) *Medical Care*: According to the evidence given before the Joint Committee in Ottawa, Dr. F. F. Tisdall of Toronto pointed out the fact that the death rate from tuberculosis among the Indians of Manitoba in the vicinity of Norway House was fifty times greater among the white people of that province. Unless a better standard of health is reached and maintained, all the efforts for advancement along other lines will be futile. Preventative medical care should be more intensively carried out.

(b) *Uniformity of treatment and hospital costs*: The medical care of Indians is the responsibility of the dominion government. There is no legal instrument acknowledging this, but as a fact it is admitted.

The government has established sanitariums for treatment of tuberculosis but ordinary cases are assigned to general hospitals.

The doctor in charge of a case reports to the Indian agent and in many cases the Indian agent has refused to allow cases to go to hospital. The doctor's verdict should be final in all cases in the interest of uniformity. In maternity cases the Indian department pays for the first five days and patients have been prematurely discharged.

There are cases of specialized treatment but here again the matter is left to the Indian agent. There should be a uniform practise adopted.

The Indian department has made a ruling that any Indian residing off the reserve for a period of eighteen months is no longer entitled to medical assistance. This should be abrogated. Residence elsewhere may not be of choice but an economic necessity.

(c) *Agriculture*: The need for assistance in the field of agriculture generally is most urgent. Even after centuries of farming life, the white people find it

necessary to send their sons and daughters to obtain the most advanced scientific training in farming, fruit growing and gardening. The Indians, who are just beginning this life, need more practical training along these lines. In the farming areas of the coast and interior of British Columbia, the need of better barns, irrigation and larger areas of lands for farming and grazing must be met.

All Canadian universities have courses leading to the degree of Bachelor of Scientific Agriculture. These educational facilities should be made available for Indian students.

Special attention should be given by the Indian department to a study of Indian rights under the "Water Act". Indians have complained that they are not getting their share of water. There are many contributing factors requiring adjustment.

Assistance should be given to procure mechanical implements of farming. Livestock of proper quality also should be established on Indian farms. This should be done with the ultimate view of making the farms self-supporting.

(d) General cases should not go to a T.B. hospital for treatment.

(e) *Sanitation*: The lack of proper sanitation in Indian homes undoubtedly has been the cause of spreading of such diseases as tuberculosis and kindred diseases.

(f) *Housing*: The need of better housing in the Indian villages, communities and settlements must receive very serious consideration. Standards should be set forth and insisted upon for the relief of overcrowding and the provision for sanitation. Carrying this into effect may mean a better appreciation of the improvement of health generally, and family independence.

(g) *Traplines*: The restoration of traplines that have been used by Indian formerly and now assigned to white trappers should be investigated with a view to restoring them to proper holders.

It has been pointed out that prior to the time traplines had to be registered Indians had large areas available to them. In some instances Indian agents have not advised the Indians of the necessity of registration. Before the Indian became aware of the situation many trap lines had been taken up. Where trap lines were known to have been the property of Indians these should be returned to the Indian users. In some instances, trap lines have been repurchased for the Indians. This practice should be carried out generally.

(h) *Appointments in the Indian Department*: Priority equal to that given to returned soldiers should be given to Indians who are applicants for appointments in the Indian department and civil service. Inducement should be given to Indians to train for such positions.

Civil service academic qualifications should be relaxed in favour of Indians until such time as higher schools of learning are made available.

Returned soldiers priority in this branch of the civil service of Canada defeats its own purpose. Proper qualification and practical experience should not be sacrificed in too close a conformity with past practices and regulations.

Canada could very well follow the example of the United States. There is the Bureau of Indian Affairs a great percentage of the employees are Indian and this is as it should be in Canada. This may be a radical departure in Indian administration in Canada but the Indians feel it has historical precedent and would be beneficial in Canada.

(i) *Committee to Revise the "Indian Act"*: There should be Indian representation to assist in the framing and drafting of the actual amendments deemed necessary. Legal counsel should be employed as well to represent the Indians.

(j) *Indian Department*: A separate department of Indian Affairs should be formed in Ottawa with its own minister in charge. Indian agents should be directly responsible to this department in Ottawa rather than to provincial commissioners, which office should be abolished.

Too often carefully developed plans for local improvements, prepared after exhaustive consideration and application by individual Indian agents never reach Ottawa for deliberation.

The appointment of the personnel of the Indian department should be kept above the realm of party politics. Proper qualification and integrity should be deciding factors.

(k) *Indian Lands*: Compensation should be made for lands and timber areas alienated from the Indians. Reference should be made to paragraph 3 (a) herein. The same argument is applicable.

(l) *Self government*: Self government in directing the affairs of the village should be more fully in the hands of the councils, and the appointment of councils must be encouraged. In large areas in British Columbia there are no councils. Government is accomplished through chiefs.

Where it is the unanimous opinion of the village or band concerned to spend money out of the band funds for improvement in the village life, the Indian agent or the commissioner of Indian Affairs should comply with the wishes of the band and not exercise his veto power.

(m) *Industry*:

(1) The establishment of industries, such as fur farming, canneries and sawmills, should be encouraged and assisted on a co-operative basis.

(2) Indian fishermen should be given assistance to obtain seine boats, and where necessary, other fishermen should be assisted in obtaining boats and fishing gear. The more progressive Indians requiring capital to engage in fishing, particularly seine fishing, are at the mercy of the large fishing corporations.

(n) *Welfare*: So long as the Indian department assumes full responsibility for the social welfare and medical care of Indians, there should be no discrimination because of residence which is mostly dictated by economic necessity. Further to Paragraph 8 (a) discharged and out-patients of hospitals should receive additional care and assistance.

(o) *Indian Act*: There are many very fine features of the Indian Act which are protective and beneficial to the Indians.

(p) *Band Funds* and tribal funds should be strictly under control of the band and tribe.

(q) *Old Age Pensions* for Indians should be granted to Indians and on the same basis as other citizens.

It would add to the dignity and personal worth of the Indians to receive regular old age pension payments rather than spasmodic paltry pittance.

(r) *Relief* should be the same as allowed by the provincial government.

(s) *Returned Soldiers*: It is gratifying to notice that the native Indian returned soldier is treated with the same consideration as other returned men. The spirit of this policy should be continued.

Statistics show that on a per capita basis the Indian population was very well represented for overseas service. The Indians did their full share in every area of actual combat service in all branches of the service of their country. The Indians volunteered for active service. They did not stop to ponder what Canada had done for them much less question what benefits the future would hold.

The Indians have an innate sense and spirit of patriotism. Could not the dominion government encourage this in peace time by extending to them a greater participation in this great Canada of ours?

All of which is respectfully submitted.

This brief is submitted by the Native Brotherhood of British Columbia pursuant to resolution passed at the 17th Convention thereof held at Massett, British Columbia, on or about the 31st day of March, A.D. 1947, and is executed and presented by its official representatives on its behalf; namely, Chief William Scow, Reverend Peter R. Kelly and Mr. Guy R. Williams, and Mr. Thomas Gosnell.

Dated at the city of Vancouver, in the province of British Columbia, this 28th day of April, A.D. 1947.

NATIVE BROTHERHOOD OF BRITISH COLUMBIA.

"CHIEF WILLIAM SCOW",
President.

"REV. PETER R. KELLY",
Chairman of Legislative Committee

"GUY R. WILLIAMS",
*Representative of Unaffiliated Indians
of British Columbia.*

The CHAIRMAN: Thank you very much, Mr. Kelly. There is one matter to which I think I should refer at the moment. It is where you say, in 8 (i

There should be Indian representation to assist in the framing and drafting of the actual amendments deemed necessary, and legal counsel should be employed.

Mr. Norman Lickers, who is a duly qualified barrister and solicitor in the province of Ontario and a member of the Six Nations Council at Brantford is the liaison officer and counsel for this committee. Unfortunately, last night Mr. Lickers had a call from his home that his father is very seriously ill and he had to leave on the midnight train. That is the only reason he is not here to-day, but I can assure you that Mr. Lickers has been here, as you can see from the minutes of proceedings, and is in attendance at all meetings of the subcommittee on the revision of the Act and, as a matter of fact, at all other subcommittee meetings with respect to agenda and procedure, treaties, rights and obligations, and education. If it is your pleasure we will now proceed with the next delegate, Chief William Scow.

Mr. MACNICOL: I think that is the best thing to do.

Chief William Scow, called.

The CHAIRMAN: Probably I might ask you a few preliminary questions. Possibly other members of the committee might also like to ask you some preliminary questions.

By the Chairman:

Q. You are the chief of what band?—A. Kwicksutaineuk.

The CHAIRMAN: Mr. Gibson, do you know how that is spelled?

By Mr. Gibson:

Q. Where is it?—A. It is at Gilford Island.

By the Chairman:

- Q. Chief, perhaps you can spell it?—A. K-w-i-c-k-s-u-t-a-i-n-e-u-k.
 Q. You are the chief of that band, and how long have you been the chief?—
 A. Since the death of my late father.
 Q. It is under the hereditary system?—A. Yes.
 Q. When did your father die?—A. 1934.
 Q. You are the president of the Native Brotherhood of British Columbia?
 —A. Yes.
 Q. When were you elected president?—A. I was re-elected at the last convention.
 Q. When were you first elected to the presidency?—A. 1946.
 Q. You were re-elected when?—A. Last March.
 Rev. Mr. KELLY: 1945.

By the Chairman:

- Q. You were elected first in 1945?—A. Yes.
 Q. And you were re-elected in 1946?—A. Yes.
 Q. Were you re-elected again in 1947?—A. Yes.
 Q. Then you hold office for a one year term?—A. One year term.
 Q. You have been re-elected for two successive terms?—A. Yes.
 Q. So that you are holding office for three consecutive years?—A. Yes.
 Q. Would you mind telling us approximately how old you are?—A. 44.
 Q. And you have lived in British Columbia all your life?—A. All my life.
 Q. What is your occupation?—A. Fishing.
 Q. You are a fisherman. How large a band is this one you refer to?—A. It is not very large. It is a small band.

The CHAIRMAN: Are there any other preliminary questions you would care to put to the witness?

Mr. MACNICOL: You would not want to take time to ask the chief about the hereditary system?

The CHAIRMAN: Can we go into that afterwards?

Mr. BLACKMORE: Can he tell us how long he has been a fisherman?

By the Chairman:

- Q. How long have you been a fisherman?—A. Ever since I was able to fish.

By Mr. MacNicol:

- Q. What kind of boat do you fish with?—A. Both types, gill net and also seine boat.

By Mr. Gibson:

- Q. Mr. Scow, at what age were you first taking your full place on a boat? When did you first begin to take a man's share?—A. Rather than an assistant?

Q. Rather than just a helper. How old were you then?—A. I would say I was about 9 years old.

Q. When you got your first full man's share?—A. No, it was not a full man's share. I was just an assistant.

Q. How old would you be when you finally got a full share?—A. I would say I was 15, using gill nets.

The CHAIRMAN: If there are no further preliminary questions would you like to make your presentation now?

By Mr. Castleden:

Q. I should like to ask him this question. You were fishing when you were 9 years old?—A. I was fishing with an older brother, of course.

Q. What opportunity did you have for an education?—A. Never had very much.

Q. How long did you attend school?—A. I would say I attended what in those days they called the "industrial school" for about two years.

By Mr. Gibson:

Q. Where was that?—A. That was Alert Bay.

The CHAIRMAN: I think we are now getting beyond the point of preliminary questions.

Mr. CASTLEDEN: I think it is very valuable information.

By the Chairman:

Q. Would you care to proceed, chief?—A. We have presented our brief here. We are an organization. I do not think there is anything that I could say further to substantiate the brief which the organization has presented. It has been deliberated upon and agreed upon by the majority of our members.

The CHAIRMAN: Thank you very much, chief. Probably when we get to the period of questioning we will put some questions to you and you might we come forward then. You will probably be able to make some very valuable answers. If that is all we will ask the next witness to come forward.

Guy Williams, called.

By the Chairman:

Q. Mr. Williams, you are a resident of British Columbia?—A. I am a resident of British Columbia, sir.

Q. And I believe you are a member of the Native Brotherhood of British Columbia?—A. I am a member of that organization.

Q. And would you mind telling us your age?—A. 39 to be exact.

Q. You mean this is your birthday? Is that right?—A. Very very close.

Q. I wondered. You said "to be exact", and I wondered if this was your birthday. What is your occupation?—A. For the past three years I have been the business agent of the Native Brotherhood of British Columbia. I am a fisherman and a construction worker in the past, also a boat builder.

Q. You are now the business agent?—A. I have been the business agent until the last 1947 convention.

Q. Have you travelled extensively throughout British Columbia?—A. I have travelled quite extensively in that province brought on by the fact of the nature of the work as business agent for that organization.

Q. Would you tell us what parts of British Columbia you have travelled in among the Indian population?—A. From Kamloops down to the vicinity of Vancouver, from boundary to boundary as far as the coast is concerned, including the entire coast of Vancouver Island, east and west, the Queen Charlotte Island, the Skeena river, and its upper reaches to the edges of the Babine agency.

Q. Have you travelled in any other parts of British Columbia into the interior?—A. I have been to Prince George but I have not actually come in contact with the problems of the Indians around Prince George other than what they have told me. I have not actually seen the conditions in their living quarters on their reserves. I have contacted them in the city of Prince George.

Q. What scholastic education did you receive?—A. Whether you could call it scholastic I do not know.

Q. Going to school. What school did you attend?—A. Altogether I think barely over four years, and a large period of that four years was under the half-day system.

Q. What school did you attend?—A. I attended Coquelitza from late 1919 to June, 1923, on the half-day system. In the last term it was probably only about 10 per cent of the time I attended school due to the fact I was ill.

Q. You are now a business agent?—A. I have been the business agent of the Native Brotherhood.

Q. Have you travelled in the northern part of the province?—A. As far north as the Nass river territory.

Q. Is that the extreme north?—A. That is only a few miles from the Alaskan boundary.

Q. In all these places where you have travelled have you consulted with the Indian population in that particular area?—A. Yes. That was part of my work, to consult them and to see for myself conditions as they actually existed.

The CHAIRMAN: Are there any other preliminary questions members of the committee would like to ask?

By Mr. Blackmore:

Q. Was that the work of the business agent? Was that what the business agent was appointed for?—A. That is one phase of the business agent's work. The other phase was negotiating and drawing up agreements for our rank and file who were engaged in the fishing industry.

By Mr. Gibson:

Q. From what village do you come?—A. Kitimat, close to Prince Rupert.

Q. Why did you attend for only four years? Were there any other educational facilities available to you?—A. Economic reasons, as far as my parents were concerned.

Q. Was there any residential school at Kitimat?—A. There was a school there at that time known as a home, and only a limited number were admitted, and they held boys only until 10 or 12. I am not sure whether it was 12. That school has been closed for a number of years now.

Q. How did you happen to get down to Coquelitza? Did you or your parents apply to the Indian agent?—A. I cannot say how I got down there. I was just sent down there by my parents. That is as much as I know.

The CHAIRMAN: I might observe that I think you have made very valuable use of the four years you did put in at school.

The WITNESS: I got my eighth grade.

By the Chairman:

Q. You got to the eighth grade in four years?—A. Yes.

Mr. RAYMOND: Might I remark that all these questions are rather personal, and I do not believe they amount to much.

The CHAIRMAN: It is merely as a foundation to find out what knowledge this witness has as to the Indian population.

Mr. BLACKMORE: It helps us to be acquainted with him, too.

The CHAIRMAN: We want to have the witness feel at ease before the committee.

Mr. MACNICOL: The witness has travelled very extensively and apparently has a keen grasp of the conditions on the reservations which he visited. I should like him to express himself as to suggestions he would like to make whereby the committee might be encouraged to improve the lot of the Indians.

The CHAIRMAN: If you will permit him I think he wants to make his presentation. We will question him later.

Mr. MacNICOL: All right.

The CHAIRMAN: If there are no further questions would you care to proceed, Mr. Williams?

The WITNESS: Following the request by your committee to the organization known as the Native Brotherhood of British Columbia that they appoint a representative for the unaffiliated groups, at their last convention, which took place only a few weeks ago, I was appointed as such delegate by that convention.

By Mr. Raymond:

Q. What convention?—A. The convention of the Native Brotherhood of British Columbia—to choose a delegate to represent the unaffiliated groups. When I refer to unaffiliated groups, I feel that unaffiliated groups are the natives or residents on the reserves along the territory of the entire coast, the upper reaches of the Skeena, the Skeena itself, the Naas, and also parts of the Fraser. They are actually people who are interested in the Native Brotherhood and are favourable to the Native Brotherhood but are not progressive to the point where they will actually support every movement of the organization, as you heard the chairman of the Indian Brotherhood legislative committee state.

I have no written submission to make, due to the fact I am a signatory to the brief of the Native Brotherhood. I will relate to you some of the things I have seen existing amongst our people, if you will permit me.

The CHAIRMAN: We would be very happy to hear you.

The WITNESS: In those three years, gentlemen, I have seen some conditions that are difficult for some people to believe—conditions that they cannot believe actually exist in this big country. I have seen poverty in its worst form amongst our people. True, there are others who are able to make a good living for themselves and their families; but on the other hand there are conditions that must be made right, and I feel that it is the duty of this committee to know those conditions as they exist to-day and to make it possible for those conditions to be righted. To right those conditions in three years I have been associated with our Brotherhood I have come to the conclusion that education is the answer. It will lead to better health; it will lead to the condition whereby these people all acquire an education; it will lead to an objective whereby they will compete on an equal footing with other nationals in this country. The present system has to be corrected. There has to be a wider system; a system that will result in a situation whereby the administration of the affairs of our people will be put on a more understanding basis. When I say a more understanding basis I mean that the country, the public, governments, will understand and know the Indians better. They will understand his problems, and by understanding his problems I believe that in a very short period of time the Indian will be accepted by the public on an equal footing.

While out on the coast of British Columbia the natives are a little more fortunately situated, I believe, as they are engaged in one of Canada's largest industries—the fishing industry—I want to point out at this moment that I do not know of a single instance where any of the 3,000 Indian fishermen have had any assistance from the Indian Affairs Branch. Yet, we are a charge of the department.

I have listened to the educational references in the brief. I want to use that word "education" over and over again to impress upon your minds that

it is important. It is the feeling of every Indian parent that the school system should be changed and be brought into line with the requirements of a particular province, and that education be taken from the denominations which, at the present time, we feel are retarding the progress of the Indians. That has been brought about largely by the factor that the grant has never been big enough. I say that now, and I admit it. Education, gentlemen, is the answer to the Indian's problem. It will lead him into professions; it will lead him into trades; it will lead to a situation where the Indian will be self-sustaining. A large number of Indians need assistance in the building of their homes. Some of you gentlemen have seen some of the good homes of Indians—I am referring to the British Columbia members—but I believe also that they have seen some of the shacks, the deplorable structures where some of our unfortunate people live. These conditions must be righted. We are an asset to this country; that has been proven from time to time. We must be accepted as an asset by the people and by the government. These conditions may be hard for some of you gentlemen to visualize, but they do exist. Only recently I was told by one of the vice-presidents of the Native Brotherhood about a man living on the west coast of Vancouver Island travelling forty-five miles in a small fishing boat to a city where there was a hospital, and the doctor who was appointed by the Indian Affairs Branch told him to come back the following Saturday. He told him that after he had travelled forty-five miles on the sea. Such conditions exist.

I was also told only a few days ago about a territory where there are facilities of every description and where one can go a good many miles in a very short time of an Indian who took sick and went to the doctor appointed by the Indian Affairs Branch the doctor said he was too busy although it would have taken him only a few minutes in his car to go and see the sick Indian.

Mr. MacNICOL: What did the doctor say?

The WITNESS: He was too busy. I will come to that later. He went to see the doctor twice. The doctor may have been too busy, but he went a week later and, gentlemen, he was just in time for the funeral. Those are the conditions that exist among our people; yet we are the charge of your government through that particular department.

On the other hand, gentlemen, there is a brighter side to the picture, particularly on the coast and in some instances in the interior. Some of our people are quite progressive; some of them own large boats outright; some of them have fairly good farms: but they had to use a pick and a shovel to acquire those good farms, whereas other nationals in this country can go to the bank and get the money. Our people do not have that privilege—particularly in British Columbia. Assistance must be given whereby we can acquire help for building up industries and building up farms. Good farms must be made more general. The fact remains that there are some natives who are industrious yet who cannot get ahead because they cannot compete on an equal footing, and no assistance has been made available for them so to compete.

Farming has now become a mechanical operation. It requires heavy machinery to clear some of the B.C. lands. They have to have that machinery available if the Indian is going to survive, and assistance must be made available as soon as possible or conditions will be worse than they are now.

Industrialization is a factor that the Indian can make use of to-day, if he is given an opportunity. He is not given that opportunity now and the result is that large timber stands belonging to the Indians have been sold to corporations when the Indian himself, through proper assistance, would have benefited more from the little resources he has on the land that was allotted to him, namely, the reserves. That has not been possible—particularly in the coast regions of British Columbia.

Now, I would say a word with regard to taxation. I have subscribed to our brief, but I will go further than that. I want to point out one instance. We have been given to understand that there is a ruling that there is no taxation of the Indian providing he makes his living on the reserve—providing he earns his money on the reserve or that he gets his income on the reserve. Now, an Indian goes out to sea and gets his catch in non-territorial waters; he comes in and delivers his catch to a fish processing plant situated on an Indian reserve; but he has been made to pay taxes on this particular catch, on those particular deliveries to the plant on the Indian reserve.

I do not think I will take up much more of your time. The gentleman to my right, here, (Mr. Hoey), has asked me what proportion of the catch of salmon in British Columbia the natives hold from 3,000 licences—between 3,500 and 3,700 licences. I have been very close to what the salmon industry terms their Salmon Cannery Operating Committee. I have negotiated with them for three years and have been chairman of the negotiating committee not only of the Native Brotherhood but also chairman of the joint committee of the union—the fishermen's union, which is a white organization—and our organization. I shall not refer to statistics, but I have made a public statement on more than one occasion and consulted a certain chairman of a certain committee whose name I shall not divulge, and I will say that the Indian is responsible for more than 50 per cent of the entire salmon catch on the Pacific coast of Canada. We are also engaged in all lines of fisheries. That is the contribution of the Indian fisherman to that industry.

Mr. MACNICOL: Do they do any processing themselves?

The WITNESS: Not exactly, although there is a co-op cannery on the north end of the Queen Charlotte Islands where the Indians themselves process the salmon. But they actually process shellfish in the winter. There are a few outside members—what they term outside members—white people who live in that particular territory, and they belong to that co-op. While we have our natives out there who own their own boats, there is a portion of that industry where our native fishermen are beginning to play quite a major role and that is what they term the live bait industry for the halibut fishermen. They catch the herring and keep them alive in pounds or ponds. To that extent they have anywhere up to 300 or 400 tons in holdings at one time, but that only lasts a short time.

The CHAIRMAN: Would you permit an interruption at this point?

The WITNESS: I will welcome any interruptions.

The CHAIRMAN: The committee sits from 11 till 1 o'clock, and it is now exactly 1 o'clock. It is suggested that we have two meetings tomorrow. By not sitting this afternoon we will give our members a chance to digest the brief that has been presented this morning by the Rev. Mr. Kelly on behalf of the Native Brotherhood. I might also say that our attendance today is rather small because of the rather strenuous day which members had yesterday as members of the House of Commons. If it is your pleasure we will meet twice tomorrow.

Mr. MACNICOL: This meeting has been very interesting, and I hope that these witnesses, particularly the Rev. Mr. Kelly and Mr. Williams, will be heard again. They can explain so many things.

The CHAIRMAN: We will have them with us for four hours tomorrow, and members can ask any questions they like.

The committee adjourned to meet on Friday, May 2, 1947, at 11 a.m.

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Session 1947

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SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPOINTED TO CONTINUE AND COMPLETE THE EXAMINATION
AND CONSIDERATION OF THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 17

FRIDAY, MAY 2, 1947

WITNESSES:

Chief William D. Scow, President, Native Brotherhood of British Columbia;

Reverend P. R. Kelly, Chairman, Legislative Committee, Native Brotherhood of British Columbia;

Mr. Guy Williams, representing unaffiliated Indians of British Columbia;

Mr. Thomas Gosnell, Port Simpson, British Columbia.

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1947





MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

FRIDAY, 2nd May, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 11 o'clock a.m.

Presiding: Mr. D. F. Brown, M.P. (Joint Chairman).

Present:

The Senate: The Honourable Senators Fallis, Macdonald (*Cardigan*), McKeen, Paterson and Taylor.—5.

The House of Commons: Messrs. Blackmore, Brown, Case, Castleden, Farquhar, Gibson (*Comox-Alberni*), MacNicol, Matthews (*Brandon*), (Vice Chairman), Raymond (*Wright*), Reid.—10.

In attendance: (Department of Mines and Resources) Messrs. W. J. Ford Pratt and C. W. Jackson; (Indian Affairs Branch) Messrs. R. A. Hoey, Director; D. M. MacKay, Commissioner, British Columbia; T. R. L. MacInnes, Secretary; B. F. Neary, M.B.E., Superintendent, Welfare and Training; P. N. L. Phelan; H. M. Jones, Supervisor, Family Allowances; G. Patrick; C. A. F. Clark, Educational Surveys Officer; J. W. McKinnon, E.S.O., N.W.T.; Dr. P. E. Moore; Indian Medical Services;

Also Rev. Dr. G. Dorey, Secretary, Board of Home Missions, The United Church of Canada; Reverend Father J. O. Plourde, O.M.I.

Mr. Reid, by leave of the Committee, on a point of privilege, made a correction to press reports with regard to a statement he was alleged to have made in committee.

The Chairman informed the Committee that owing to the death of his father, Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer, would be absent. It was agreed that the Clerk should send him a message conveying the sincere sympathy of the committee in his sad bereavement.

Mr. Guy Williams, representing the unaffiliated Indians of British Columbia, was recalled and concluded his statement.

Mr. Thomas Gosnell, Port Simpson, B.C., was called and made a statement.

On motion of Mr. Reid, seconded by Mr. Gibson, it was

Resolved: That the subcommittee on agenda consider and report later on the matter of payment of the usual witness fee and expenses to Mr. Gosnell, particularly in view of his very valuable contribution to the deliberations of the Committee.

The Committee adjourned at 1.05 p.m. to meet again this day at 4.00 p.m.

SPECIAL JOINT COMMITTEE

AFTERNOON SESSION

The Committee resumed at 4.00 p.m.

Presiding: The Joint Chairman, Mr. D. F. Brown, M.P.

Present:

The Senate: The Honourable Senator Fallis.

The House of Commons: Messrs. Blackmore, Brown, Case, Castleden, Farquhar, Gibson (*Comox-Alberni*), Harkness, MacNicol, Matthews (*Brandon*) (Vice-Chairman), Raymond (*Wright*), Reid.—11.

In attendance: (From Indian Affairs Branch): Messrs. Hoey, MacKay, MacInnes, Neary, Jones and Patrick.

Mr. Gosnell was recalled and questioned, as were Messrs. Scow, Kelly and Williams.

The Committee adjourned at 6.15 p.m., to meet again this evening at 9.00 p.m.

EVENING SESSION

The Committee resumed at 9.00 p.m.

Presiding: Mr. D. F. Brown, M.P., Joint Chairman.

Present:

The Senate: Nil.

The House of Commons: Messrs. Blackmore, Brown, Case, Castleden, Farquhar, Gibson (*Comox-Alberni*), Harkness, Matthews (*Brandon*) (Vice-Chairman), Reid.—9.

In attendance: (From Indian Affairs Branch): Messrs. MacInnes, MacKay, Jones, Patrick; Dr. P. E. Moore; (From Department of Mines and Resources) Messrs. W. J. Ford Pratt and C. W. Jackson; also Mr. James Sinclair, M.P.

Statement supplementing matters contained in the brief of the Native Brotherhood of British Columbia were made by Messrs. Kelly, Scow and Williams, and there were questions thereon.

The delegates expressed themselves as satisfied with the hearing they had been given and for the opportunity of being heard by the Committee and were thanked by the Chairman for the very splendid presentation they had made and for their valuable assistance to the Committee.

Mr. Gibson, M.P. (*Comox-Alberni*), spoke a word of "appreciation for the very able manner in which this very distinguished British Columbia delegation presented the case for the B.C. coast Indians."

The Committee then adjourned at 10.15 p.m., to meet again on Monday next, May 5, at 11 o'clock a.m.

T. L. McEVOY,
Clerk of the Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

May 2, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 11.00 a.m. Mr. D. F. Brown, M.P., (Joint Chairman) presided.

The CHAIRMAN: Senator Fallis and gentlemen, can we come to order?

Mr. REID: Mr. Chairman, I would like to raise a question of privilege.

The CHAIRMAN: Yes, Mr. Reid.

Mr. REID: I appreciate with respect to what we say in committee that sometimes the press are not always able to print all of it, and I believe they always try to be fair. My question of privilege is this; I received a communication yesterday from the local council in my district representing the Roman Catholic organization who state that the press report me as having said in this committee that I was absolutely opposed to religion being taught in schools. I do want to say, Mr. Chairman, that I have made no such statement as that in this committee. Any statement I do make I am prepared to back up. I think it is most unfair that a member of this committee should be accused, especially by the press, of having made a statement which he did not make, and I want my correction noted in the record; that I did not, and have not made any such statement.

The CHAIRMAN: Thank you, Mr. Reid. That will be duly noted.

Yesterday I referred briefly to the absence of our counsel and liaison officer, Mr. Lickers. Since then I have received a telegram from him advising me and this committee that his father passed on yesterday afternoon. On behalf of this committee I request that the clerk convey to Mr. Lickers our sympathy, in appropriate form, and a sincere expression of our deep sympathy and regret at this time.

Yesterday we were dealing with the presentation of Mr. Williams. We will continue with his presentation. Mr. Williams, will you come forward, please.

Mr. Guy Williams, recalled:

The CHAIRMAN: It is understood that Mr. Williams will continue his presentation until he has completed it, and then will retire so that we may hear Mr. Gosnell; and on completion of Mr. Gosnell's presentation we will have questioning of all four witnesses. Are you prepared to continue, Mr. Williams?

Mr. WILLIAMS: Yes, Mr. Chairman.

Mr. Chairman and honourable gentlemen, again I want to thank you for the privilege of making statements before your committee. Yesterday I referred to conditions which exist among the natives with whom I have come in contact in my travels as business agent and organizer. This morning I will try to be brief because I have covered most of the ground yesterday.

These conditions are brought about by the fact, in my mind, of lack of proper administration. That could have been prevented. It could have been a better picture, if the department, those in charge of the Indians had been more sympathetic and trained men. The result through lack of trained personnel is that the Indian is a displaced person. He is not free according to the accepted

interpretation of the term "freedom" as applied to a democratic country. He is segregated. He has a little piece of land to which the regulations of the Indian Act bind him. He cannot actually do as he wishes because he is a minor. This must be righted so that he will become a free man. He is still under the Indian Act which was written about a century ago. There have been only a few amendments to that Act and when those amendments were made the Indian was not consulted; yet he is considered at times when it is to the benefit of the country as a man or as a person of equal footing. He is paying taxes. He is fighting for the freedom of the country in time of war. He should benefit along the same lines as other citizens of the country benefit, because he is doing his part for this country.

There are many injustices. For instance many of the boys volunteered in this past war as in the first world war. When they came back, those who were fortunate enough to come back, they did not enjoy what other veterans enjoy. Boys whom I personally know after they have been accepted on equal footing in the fighting forces of the country and accepted on equal grounds in the other countries, when they come back to Canada are set back into that segregated group, namely, a plot of ground on their own Indian reserve; they are pushed out of beer parlours; they have learned to enjoy the privileges which other veterans enjoyed in the other countries. This should not be. He has fought on equal grounds. He has faced the same dangers. This must be righted. If there are any special grants of any description which veterans are going to enjoy in this country the Indian veteran must enjoy them in equal amount. I believe in my own mind that he is not enjoying that to-day.

You heard in the brief that was read yesterday about the death rate in some parts of Canada as a result of T.B., about its being very high. There must be preventive methods made available; not only for T.B., but for all other communicable diseases, particularly the social disease commonly referred to as V.D.; there must be preventive methods made available to the Indian population of Canada. There must be proper assistance made available so the Indian can be self-supporting within his own reserve and outside, if necessary. He is capable of performing duties or running a business or following a trade if he gets the proper training. Even those who have not had this training have made an example to be looked upon by this committee, particularly on the coast in British Columbia; and there are some in the interior who have proven themselves capable of earning their livelihood or running a business of their own.

While I realize there is a revolving fund in the Department of Indian Affairs I have heard many of our Indian people questioning the use of this revolving fund; as a matter of fact, some of them say that it is revolving so fast that they cannot get their fingers in it. It can be used only with securities. In the province of British Columbia due to the fact that we have no treaties we are unable to raise the security such as is available in the central and eastern provinces. This, I believe has been of some assistance to them, the revolving fund. I know of only one instance in British Columbia where one of our own people has made use of this revolving fund, but he had the security. Some sort of fund must be available to industrialize the natives in that part of Canada. If the Indian is going to be able to maintain and raise his health standards he must be able, the privilege must be given to him, to go to any doctor when necessary. I believe in my own mind that if this was made possible or if it had been possible in the past many of our Indians would not have gone to the happy hunting grounds. Regulations and restrictions are too many when it comes to the matter of health.

I have been questioned while I was in office for our organization by many of our members and non-members: where is this \$100,000 per annum going to; how is it to be spent; how are we benefiting by it? This \$100,000 fund was given to the B.C. allied tribes in 1927 in lieu of annuities. I think it will be only fair

for the government of Canada through the department to make an accounting of this \$100,000 over the past twenty years. By making an accounting it would give our native people confidence in your government.

Our Indians in B.C. do not want to be harmed any more by the new Act that is forthcoming. I may say as further fact that the Indians in British Columbia have no treaties with the exception of one or two small groups. In the province of British Columbia the Indians of British Columbia have never surrendered their title.

My criticism of your committee at this moment is this: To me it seems from what I have read on the record as far as the Indian Affairs Branch is concerned, it seems that your committee is taking evidence only from the senior personnel. I would recommend to your committee that you get evidence from some Indian agents who have been in service for twenty years or more. Your committee will benefit by that and the Indians will benefit directly by your getting evidence from men who have been in service and in contact with our Indians over long periods of time. They will give you evidence that will be very, very valuable. I know one man who has been in the service for a long time. He has done much among the Indians in the province of British Columbia, and in some cases even in the Yukon territory. Many of them come to his office to get medical attention in the city of Vancouver. I believe the man is now superannuated. His name is F. C. Ball. I believe two or three of those who have administered directly to the Indians and are in contact with them will give you very, very valuable evidence.

There are many things that I could go into but I believe that it is only right that I should cover those major points, as I believe you already have evidence enough in small detailed matters.

The feeling of the Indians as a whole, in spite of the fact that there is distrust and disunity among all the Indians of Canada; in the back of their minds they are looking forward to this new Act, that it will liberate them, that it will be an advancement; that their children will actually benefit by it. The Indians were not consulted when the Indian Act was written nearly a century ago and it is my opinion that your government has taken the right step by getting together members from all parties to receive evidence whereby a new Act can be written that will be fair to the Indian. There is far too much of this discrimination. I think your committee appreciates the many difficulties that the Native Brotherhood of British Columbia has gone through in the past seventeen years to organize our people in British Columbia. I think this organization is of great value to your committee and to the government. It has made it a little easier to get evidence.

In conclusion I want to stress that I feel deep in my heart that I am representing the unaffiliated groups because I have covered the greater part of British Columbia in the past three years. I know the problems of different districts and different groups. I also know that it is very difficult for your committee to try to select or appoint or have appointed a native to represent the unaffiliated groups. They live in different territories. Their environments are different. They are scattered. I want to thank you, hon. gentlemen, for the privilege of making these statements before you. I honestly hope that as a result of your work our people will be liberated. I thank you.

The CHAIRMAN: Thank you very much. At this point I might point out to the committee, following the statement by Mr. Williams that there has been no accounting given of moneys entrusted to the Indian department, that if they refer to page 510 of the 1946 minutes they will see that a complete statement of the Indian trust fund for the fiscal year 1943-44 is given. That was the last that was then available.

Mr. CASTLEDEN: Was that given to the Indians? You said it was given.

The CHAIRMAN: It appears on the minutes. I did not say where it was given.

Mr. CASTLEDEN: It was given to the committee?

The CHAIRMAN: It is now in the minutes of this committee.

Mr. BLACKMORE: Does it specifically state that the \$100,000 in question . . .

The CHAIRMAN: I am merely referring you to the Indian trust fund as of 1943-44. I merely refer that to you. When the time comes for questions you will have the opportunity to cross-examine the witnesses.

Mr. HOEY: I do not think Mr. Williams had exactly that fund in mind. The parliamentary committee of 1926 after due deliberation decided that \$100,000 should be set apart annually in lieu of treaty payments in the prairie provinces, but I would be surprised if there was a single Indian in British Columbia—including Mr. Williams—who does not know exactly how every cent of that is spent because it is patent to everybody: vocational instruction, medical care.

The CHAIRMAN: I do not think we should get into any discussion at this stage.

Mr. HOEY: I am anxious that it should not be mixed up with the trust fund.

The CHAIRMAN: This is only the trust fund account at page 510. I see.

The WITNESS: Mr. Chairman, at this moment I have just realized I should offer my apologies to hon. Mrs. Fallis because I did not notice her before.

Mr. CHAIRMAN: I think she will accept your apologies. Mr. Gosnell, would you come forward?

Thomas Gosnell, called.

By the Chairman:

Q. Mr. Gosnell, I believe you are a member of the Native Brotherhood of British Columbia?—A. Yes, I am.

Q. And how long have you lived in British Columbia?—I was born in British Columbia.

Q. How long ago?—A. Fifty-five years.

Q. You are a member of what band?—A. It is rated as the Tsimshian band.

Q. Where do you live?—A. At Port Simpson.

Q. Is that in the north, south or interior of British Columbia?—A. I think it is really the last Indian village before the border of Alaska.

Q. You are from the north?—A. Yes, about 20 miles north of Prince Rupert.

Q. You do not come from the same part of the country as Rev. Mr. Kelly and Chief Scow?—A. I think Mr. Scow comes from the south coast. I think Mr. Williams is from the central coast around the Kitamaat area, and I think Mr. Kelly comes from the Queen Charlotte Islands.

Q. You are from the north?—A. I am from the north.

Q. How long have you been a member of the native Brotherhood?—A. I was one of the founders of the Native Brotherhood of British Columbia.

Q. When was it founded?—A. I think it is in the year 1930.

Q. Can you tell us any feasible way, or shall I say any simple way, of obtaining representation from the unaffiliated organizations or unaffiliated Indians of British Columbia?—A. Yes.

Q. How?—A. During the period of seventeen years that we have organized the Native Brotherhood of British Columbia there are some villages that join the organization for maybe one or two years and they drop out again, and some more villages would come in. Hence in British Columbia we find what we call unaffiliated villages. Yet they were at one time actual members of the Brotherhood.

Q. Then you feel that your organization could fairly well represent the unaffiliated Indians?—A. I think so to the best of my belief.

The CHAIRMAN: Are there any other questions that the members would like to put?

Mr. FARQUHAR: I understood Mr. Williams to say he represented the unaffiliated Indians fairly well throughout the province.

Mr. MACNICOL: He is quite capable of representing any organization.

Mr. FARQUHAR: I was wondering if we could get any better representation than what he has made.

By Mr. Castleden:

Q. I should like to ask how many members you have from the Cariboo area?—A. I think the business agent can tell you that.

Rev. Mr. KELLY: The Cariboo section is represented in our organization. We have a vice-president there by the name of William Pascal who represents that area.

Mr. CASTLEDEN: And in the Kootenay area?

Rev. Mr. KELLY: No, that does not include Kootenay.

Mr. CASTLEDEN: How about the Kamloops area?

Rev. Mr. KELLY: We have no vice-president there. There are individual members from that area.

Mr. CASTLEDEN: Thank you very much.

Mr. REID: How many would you have in the New Westminster area?

The CHAIRMAN: What is that?

Mr. REID: I am asking how many members he would have in the New Westminster area.

The CHAIRMAN: He does not know that. He is not the business agent.

The WITNESS: We have a vice-president in that district, what we call a district vice-president, by the name of Oscar Peters. We take Mr. Peters as representing the Fraser Valley district.

The CHAIRMAN: Would you care to present your brief, Mr. Gosnell?

The WITNESS: I will be very brief. I think our colleague, Mr. Guy Williams, has pretty well covered everything. I was one of the founders of the Native Brotherhood of British Columbia during the year 1930. I have been a councillor at the village of port Simpson for about twenty years working under the advancement part of the Indian Act. I have been chief councillor for about half of that period.

During the depression time of 1929 and 1930 things were very bad amongst the native people. The provincial government issued relief to citizens of British Columbia, and there was nothing available for the Indians in British Columbia. Depression times hit the country and everybody suffered. By reason of that council meetings have taken place to find an avenue to help the destitute Indians in the northern part of British Columbia. According to our meetings with the Indian agents there is no avenue open. An Indian either had to be sick or there had to be some amount of actual starvation and destitution before he comes under relief, which calls for approximately \$4 and some odd cents.

By Mr. Blackmore:

Q. A week or a month?—A. A month. This was not available to the Indians during the depression time. The Indian agent said, "You have to be sick." During our informal talks at the council meetings the question of helping the Indians came up. Hence the birth of the Brotherhood started. The council does not sponsor it, but through discussions and talks with the senior

members of the bands it was felt an Indian organization would be a benefit to the Indians. The problems concerning Indians cannot be dealt with by one individual village. The only way it can be dealt with is by an organization. The birth of the Brotherhood took place in about six months following.

The aims of the Brotherhood are to deal with Indian problems in a general way with the government, improve general conditions, schools, education and provide equal opportunities for work. During the seventeen year period this organization, the Native Brotherhood of British Columbia, has expanded and I would say has taken in half of the province of British Columbia. There are some villages which are interested in conventions, send delegates there, pay their charter fee, and then drop out here and there. New villages join, but the aim of the Native Brotherhood with regard to meeting some day the government of Canada for a better deal or a new deal for the Indians is still carried on. I myself spent a lot of time travelling up and down the coast, sacrificing time and in all kinds of weather.

I am glad at this moment that the government of Canada has appointed such a committee to review the general conditions of the Indians in British Columbia. We hope that the aims and what was in the minds of the people of British Columbia when this organization took place will be accomplished, namely, a new deal, or a better deal for the Indians of British Columbia. I will try to be brief.

As to the health of the Indians in good times such as periods of war all kinds of money are available and everybody is a millionaire during the war but there are rainy days coming. There are depression times coming. Then we find most of our Indians in a semi-starved state. This results in all kinds of problems. We find that the Indian is undernourished and when exposed to disease is the victim of various diseases. He has not the resistance. He has not the strength to resist all kinds of diseases. We find an expectant mother who is undernourished and the child at birth develops all kinds of trouble. It started from the mother. As the child goes along in organized districts such as where I come from we have various organized villages and councils under section 2 of the Indian Act. The council in some places has attempted to work with a doctor and a nurse to educate the Indians how to bring up their children. It is very nice to lecture and say to the mother, "You should do this", but suppose that family is not in a position to buy that particular article that is called for for better health. What good is your lecture? They are not in a position to buy the different articles that contain certain vitamins for the better health of the child. The family understands everything but they are not in a position to buy these articles and make them available for the family. We find that the economic condition of the Indian comes under this measure.

As I have said before the Indians on the coast are well off during what we call good times such as wars with all kinds of money, but in rainy days they are in very poor shape. We have discussed this problem of economic matters and we view the picture they have in Alaska whereby in the one instance a missionary by the name of Duncan left Canada through some disagreement with the government of Canada. He left what they call Metlakatla, B.C., through some disagreement with the government of Canada over the ration and applied to the United States government at Washington. The United States government granted this man an island. They call him Father Duncan. His Indian are what they call Tsimshian, the same as myself. Washington granted Mr. Duncan, or leased Mr. Duncan an island called Anetta Island, with fishing privileges a mile around that island. Mr. Duncan moved over there and established 600 or 700 Indians and built a cannery and built a sawmill, and when Mr. Duncan died he left it all to the Metlakatla Alaska Indians. Today as high as 200,000 cases is the product of that cannery. It is leased by a company and a royalty is

paid to the estate of 50 cents a case. After marking off depreciation and other charges, in some years as high as \$65,000 is available to this band of Indians. These were originally B.C. Indians. Now they are American Indians.

We go through that country now to the village of Metlakatla, Alaska, and we find in Metlakatla a cannery, a sawmill, a Hydro Electric plant, and homes which are equal to the best you see in any city.

Mr. CASTLEDEN: Hear, hear.

The WITNESS: I have visited the place. I was invited there, and I was surprised. My hostess turned on an electric stove; you heard an electric washing machine in operation in the back; and in your room you have an electric heater. I asked, "How do you come to get all this electricity?" and I was told, "We have Hydro Electric here." I asked, "How do you get the money to do it?" and I was told, "It comes out of the estate of Mr. Duncan."

So you can see the possibilities of the Indians. The United States government looked into the problems of the Indians in Alaska with the result that today the United States government is building canneries at various centres in Alaska up to the value of \$300,000.

Now, with regard to the terms that the United States government made with the Indians. Of course, the Indians agreed that they would support the cannery, and equip through capital; second, repayment of the capital expenditure of the cost of that cannery would be made out of the profits of that cannery. Wages would be paid equal to those which had been paid elsewhere, with the result, from the information we have, that some of these canneries are paid for inside of five years, and the natives in those communities are today the owners of those canneries. The profits of that cannery would be applied for the benefit of the community, that Indian village, as they are applied in Metlakatla, Alaska.

Other arrangements have been completed with the United States government. For instance, take the case of the Indians in Ketchikan, Alaska. It seems to me there is an agreement there that where there are twenty Indians grouped together a certain loan will be available to them at low interest rates, and to those Indians who really do not belong anywhere; they are living in Ketchikan, and Ketchikan is a city in Alaska. But if there are twenty Indians grouped together they can apply for a certain loan and they will get it at a low rate of interest.

For the purchase of fishing equipment, of course, this loan is repayable at a certain term of years, with the result that the Indians in Alaska today have a very high rating as productive Indians in Alaska.

If you visit the school in Metlakatla, Alaska, you will find seven or eight teachers who are native girls. If we go out and look over their health establishment you find two or three nurses there—all people who were educated in Alaska. They are certified nurses and certified teachers. This, we think, is possible in B.C. If it is possible in Alaska it is also possible in British Columbia. At one time the Indians in British Columbia were far ahead of the Indians in Alaska, yet today the Indians in Alaska are far ahead of the Indians in British Columbia, and we give credit to the United States government.

Mr. REID: And Father Duncan.

The WITNESS: And Father Duncan. We think it is possible for the Canadian government to deal with the Indians along the same pattern. The Indians in British Columbia are not beggars; they do not want to beg; they want something in the nature of a business proposition. Long term, low payment interest should be available. In British Columbia before the war one-third of the fishing licences had to be available for the Indians. During the war, for security interests, the government of Canada removed the Japanese from the coast. The cry went up from what we call the cannery operators, "Oh! The government said that

production would win the war. Now, they are removing the people who produced an important commodity like canned salmon".

Mr. REID: Please listen to this man. This evidence is what you heard in the House of Commons from me. Some of course would not believe me then.

The WITNESS: We found during the war a canned salmon industry, an essential war industry. There were some boats left by the Japanese which the Indians took over, with the result that by looking over the records four years prior to the war and the four years during the war the canned salmon production is equal if not better during the war than it was before the war.

Mr. REID: Hear, hear.

The WITNESS: And yet the Japanese were not on the scene during the war.

Now, on the north coast of British Columbia this year the canning operators have notified some of the wartime fishermen that their services will not be needed during the fishing season of 1947. We are wondering what will take place. At that time there was an attempt to bring the Japanese back to the coast, and I presume the canning operators were making room for the returning Japanese.

When I was travelling from Prince Rupert back east I met an Indian friend of mine from the cannery. I asked him where he was going and he said back to the Skeena. The canneries are taking back those Indians they fired last winter now that they find the Japanese are not coming to the coast.

Mr. MACNICOL: The Indians can do a better job than the Japs.

The WITNESS: What we need is protection in the fishing industry. The basis of issuing licences to native fishermen should be the basis of licences issued to the Indians during the war. I think it is only right that when a country used a certain nationality when the country was in danger that he should retain his part that he played as a part of the war effort when the country was in danger. I believe this committee should recommend to the Department of Fisheries that the basis of allotting licences to the Indian fishermen should be the basis during the war period.

Other things come into the picture: the native Indian woman. There has been some sort of a contract going about during the winter for arrangement for labour. This winter very few Indian women are available at the canneries. We just do not know what will take place, but I think in fairness to the government of Canada and to the Indian problem generally that there should be some kind of protection in regard to employment as it affects the Indian problem. The Indians are qualified men and women. They are able to run an industry.

Now, there is a certain situation that all men in charge of a boat up to a certain tonnage, say, five tons, must have some kind of a ticket—it may be a master's ticket; we call it a ticket up there—whereby this particular person in charge of the wheel must produce a certain number of years that he has had under another captain and he must answer certain questions asked by the examiner. When this situation resulted we found out that most of our young men and older men would be out of a job. The regulations call for a certain certificate to be made available for the man who is in charge of a boat of over five tons. Examinations were held and today most, if not all, of our Indian young men are holding what they call tickets, certificates to run a boat of over five tons.

As I say, the educational part of the Indian department's work should be more advanced. Why not, as the Brotherhood is doing, assist Indians to qualify through lectures and organizations, to answer certain questions, and to hold tickets to run fishing boats? I think this is the duty of the Indian department. This is an educational matter. In British Columbia we see industries, canneries, sawmills, logging operations—yet the Indians are only employed in those industries, whereas in Alaska they are the owners of that same kind of industry.

The Indians on the coast of British Columbia are exposed to strikes. When a strike is called which ties up any part of the operation while the fishing season

is on there is a possibility that it will leave them with the loss of their full season's work. One thing they have there is a big cooperative. During a strike they bring in ground fish—that is a system of trawling—and when a strike is on they can not sell their fish to a private company but the cooperative plant can receive the fish because of the fact that they are a cooperative. So long as they are not blocked by strike action on the part of the fishermen's union on the coast they can continue to operate that cooperative plant. If the Indians owned a plant on a cooperative basis they would be enabled to continue in the case of a major strike taking place in British Columbia; otherwise it means that the whole season's work will be lost through no fishing with the result that the Indians will be left in very bad shape because of being deprived of an essential part of their livelihood.

I think the present unsettled state of mind of the people throughout the country is only aggravated by the calling of strikes here and there. I think it inevitable that sooner or later the Indian will be the victim of a strike and it will be simply disastrous for them if there is a major strike so that the cooperative which functions there at present is forced to close down.

Then let us look at the general picture. We find that 85 per cent of the fishing equipment held by the Indians belongs to the canning companies. It is the general practice of the companies never to let the Indians out of debt. In the good years when the Indian could pay off the whole or part of his contract with the cannery for equipment the cannery says, never mind that, just give us so much. The attitude of the average Indian is; I can get off easy with this, I owe them \$500 and they only want me to pay them \$150 or \$200. That is very nice. What is behind that is keeping the Indian in debt for a certain number of years, he practically can't pay off.

Another point is this: in the southern portion of British Columbia sockeye brings 15 cents a pound. That was the price paid for sockeye on the Fraser river last year. On the northern coast of British Columbia the price was 14 cents, and equal proportions for species of fish. During the canning period of 1945 the pack was approximately 300,000 or 400,000 cases of sockeye salmon and the difference between the price of raw materials on the Fraser and in the northern part of British Columbia was about 70 cents a case. As I say, with the pack being between 300,000 and 400,000 cases that meant a loss to the Indians of practically a quarter of a million dollars, and I have represented the Indians in negotiations with the canned salmon operators and I have on many occasions questioned the justification for such a large differential. The reply I got was that in most cases they are required and are able to put up security in the form of boats against nets supplied. Of course, that is their argument; that when a man wants a new net they have to look up his registration and see that he is the owner of the boat, and where they find he is good for it, he gets it. In the north here when an Indian comes along and takes a boat he is charged with the price of the boat, and that charge works out at about one cent per pound against his earnings which is not the case. That is only one means of holding the Indian down under a mortgage on his equipment and operations. The Indian takes the equipment and he really doesn't care; he gets the use of a good boat for the payment of \$100 or \$200. That goes on for five or six years and then the operator comes along and says, here, you are a good fisherman, here is a better boat for you. It is interesting to observe that this usually happens when the Indian has just about paid off his boat. All they want to do is to get the Indian tied up again for another ten years of debt. Excessive charges are made. For instance I questioned the billing by the company to a fisherman where they charged the fisherman \$1,800 for a boat, and I asked them why they charged that much. I said, how does it come that you charge the Indian \$1,800 for that boat, it didn't cost that. The reply was, here are the figures, you can check them for yourself. I did that and I found out that the Indians who had built those boats

had been paid 60 cents and 75 cents an hour and the canner had charged the labour cost against that boat at \$1.25 an hour. In addition to that he had included supervising charges, every boat built is assessed a supervising charge; and so on all along the line. The result was that boats actually costing about \$1,000 were charged to the Indians at \$1,800. That is about as far as I can go in explaining it; and that is without the motor.

Mr. MACNICOL: What does the motor cost?

The WITNESS: Various prices running all the way from \$700 or \$800 up to \$1,200. In the part of the country about which I am speaking the fishing season lasts for about six months out of the year. There is a period of about six months during the winter season when there is no fishing. And now, these canneries would hire the Indians to build boats—if the canneries can hire Indians to build boats and after they are built sell them to the Indians why could not the Indians build their own boats on the reserve in a cooperative way? Here is what we want. We want a sawmill in the larger villages; we want boat-building shops financed by the government. These sawmills would also answer the housing problem on the reserve. With conditions the way they are to-day before you can even put in a foundation it is going to cost you about \$1,000. Why could not the Indians run their own sawmill and turn out their own lumber and build their own houses and build their own boats. Give them the equipment and what the village can't use can be sold in the market, giving employment to the Indians in the villages during the winter time. They could still continue their fishing in season, and you can market all the lumber you can produce in British Columbia to-day. Why can't they turn out one or two hundred thousand feet of lumber on the reserve in addition to what they need for their own use, and in that way procure a little additional revenue for the benefit of the reserve. It would be a valuable contribution to improving the opportunities for obtaining a livelihood to these Indians.

And now, schools: I will leave the economic question alone for a while. During my term as chief of the council of our village I made it my business to see what was wrong with the Indian schools. I am not a highly educated man. I quit school when I was twelve years old. My father happened to build a cannery on the Skeena river. It is called the Alexander Cannery. He organized the Indians and built a cannery and ran it for seven years. He lost it on a mortgage. It is a registered company, registered under the Companies Act in Victoria. There must be records there. During that period my father was in financial distress and we had to stay at the cannery instead of paying a watchman to watch the cannery for the winter. The family had to locate at the cannery and save the money we would have had to pay a man to watch the cannery with the result that I lost the best time of my life in education. So you see I speak broken English, but I do the best I can.

As to education I have made it my business during my term as councillor and chief councillor to see what is wrong with Indian education. I have visited day schools and a small residential school there. My general experience is we have not got fully qualified teachers. During my term we have had good teachers. We have had really good teachers, and we have had really bad ones. It has gone down so bad that on one of my visits during school hours when I came into that room I saw the teacher at the desk taking a comb and combing the hair of a little pet terrier with the children flying around in the room throwing books at each other. I asked the teacher, "Is this recess time?" "No." "What is this? Is this a school or what?" "No, this is school hours." "But what has the dog got to do with it?" Well, I got down to red hot terms with the teacher. I threatened to fire her. She said, "You cannot do that I am working for the Indian department." I said, "I will recommend you be fired." At the end of the term the Indian agent got rid of this lady. One or

two years later I went on my roamings up and down the coast and I found the same teacher in the Skidegat school, the very same teacher that was fired.

Mr. MacNICOL: Still combing the dog?

The WITNESS: I did not see the dog this time. To me it seems that the department cannot get good teachers. In Port Simpson we have a provincial government school right across the road. You can talk across to the other school. They are developing pupils there up to the eighth and ninth grades and they go into higher education. Yet in our Indian school within a stone's throw there is the same old routine. You get to the fourth grade and you are too old to go on to higher education. There are some who blame poor attendance as the cause. The department says, "They do not attend school. What can we do?" But there are pupils who attend every day. What have you done to give them a higher education? Nothing. The regularly attending pupil is in the same lower grade as the non-attending pupil, so we cannot blame the attendance for it. We blame the Indian department school system. There is something wrong, and I think the fault lies with the teachers.

I would suggest that there should be a director of Indian education in British Columbia who would be the responsible person in all educational matters. We go to the Indian agent about things. Every Indian agent has his different opinions. One Indian agent may go today and another one come tomorrow and he has a different opinion of the whole thing. There should be a director of Indian education for the province of British Columbia who will be responsible for all school matters. To my mind there should be inspectors. If the Indian department would co-operate with the provincial government school inspectors it would be a very nice thing, owing to the large territory in British Columbia. The department should pay their share of the cost of the inspectors. They could get together with the department of education of the provincial government and arrive at some terms. If not, they should have their own inspectors. During the term of my position as chief councillor in the village of Port Simpson I have seen an inspector arrive there once in the ten year period, what they call a school inspector. Once is all I saw him.

By Mr. Blackmore:

Q. Ottawa or provincial?—A. Supposed to be an Indian department inspector.

By Mr. Castleden:

Q. A provincial inspector?—A. No, this is the Indian department school inspector. I do not know what became of the man but rumour says he is dead or superannuated. I saw him once. His name is Captain Barry. I saw him only once. Whatever faults there may be in the school system of the Indian department there is nobody to suggest them to. There is no inspector there with the result that the teachers can do this and that as they wish.

In the provincial government school across the road we find the inspector there three or four times a year inspecting the teachers and the pupils of that school with the result that a teacher has to keep up to standard or lose her job. The teachers in the Indian schools can do what they want. They write a long report on the Indians saying that they never attend, but in my opinion it is pure negligence on the part of the teachers. There are very poor and in some cases non-existent living quarters for the teachers.

By Mr. MacNicol:

Q. Would you repeat that?—A. In the villages there are very poor, and in some cases non-existent living quarters for the Indian day school teachers with the result that when we get a good teacher she only stays there for a period of say six months, and as soon as another opening, a better opening comes, she goes.

The good teachers qualify for the higher schools either provincial or municipal and they stay there. They get a job and hold it with the result that the poor teachers are always around the Indian schools and the good teachers all go. In my village of Port Simpson we built a very nice school there. I think it cost the government in the neighbourhood of \$15,000.

Q. An Indian school?—A. An Indian department school.

By Mr. Blackmore:

Q. Residential or day?—A. Day school. In this school there is not running water. There is not running water in the school, not even a sink. The teachers undertook at one time when conditions were very bad that they would buy a sink and I volunteered to put it in for nothing. What a modern school! Yet it cost the department in the neighbourhood of \$15,000. There is no toilet, no bath, no sink, no basin. There is one large room about 40 x 60 in the attic for sleeping quarters for the teacher. Very few modern school teachers will live in those quarters. They could modernize the building. They could put in a bath, a toilet, sinks, hot water, and they would be able to get a good teacher there because the accommodation would be fine.

Again we see that the problem is that the department say they are always broke. They have not got the money. The government of Canada never vote enough money to carry on. Maybe they are right, but my general experience in the building game is that for \$15,000, the cost of that day school, they could have built a modern school. I built a residential school, the Crosby Girl Home, for the Women's Missionary Society of the United Church. I took a contract to build it. I think my contract ran somewhere around \$16,000.

Mr. MacNICOL: How much?

The WITNESS: \$16,000. This included all the bathroom equipment. The building was large enough to accommodate 30 pupils. Of course, this is the cost of building a little two room school building on the reserve. The cost is just the same. The building has nothing in it. There must be a leak in the fund somewhere.

Mr. GIBSON: I think the relative dates of those two things should be put in the record, the relative dates of the construction of the day school and the residential school.

By the Chairman:

Q. Could you give the dates? When did you build the residential school?

A. I think it was 1924.

By Mr. Castleden:

Q. The one on the reserve was built when?—A. I think the other one was built somewhere around 1935. It was 1938. Of course, the price of material and the cost of labour would be about the same at that time.

Our colleagues, Mr. Kelly, Mr. Williams and Mr. Scow, I think, have covered all the other points. Part 2 of the Indian Act deals with Indian advancement. This comes under the Council of what we call a self-governing village. There is a clause in this part which I want to change. This clause says that male members of the reserve can be nominated and elected as councillors. I think we can improve that by saying the male and female members of the reserve.

Hon. Mrs. FALLIS: Hear, hear.

The WITNESS: The Indian women who come from the school can take part in the council and become voters. If the council has gone off the path, a woman could tell them to walk the line and, in addition, the attractiveness of a woman in a council room should carry some weight. It will be democratic to give the Indian women the right to vote and become councillors.

There is a section in this part, No. 185, under the heading of "Powers of council," subsection (f), which provides for the construction and repair of school houses and council houses as well as other buildings for the use of Indians on the reserve, and the attendance at school of children between the ages of 6 and 15. This section is all right with the exception of the construction of the school house. In the past, the Indian Department has been building the school houses and not making it a provision that the council has to build school houses. Supposing a school house has an estimated value of \$25,000. Where would the council get the money to build a school house. This clause should make provision only for repairs or something of that nature.

Another subsection provides for the construction, maintenance and improvement of water and sewage systems. Well the maintenance and improvement of the water system is all right, but the construction provision is asking the council to assume a very large responsibility. The cost of such a system runs into several thousands of dollars. Why include it as part of the duties of a council? It would be all right to say the repairs and upkeep should be part of the council's duty.

Another problem which we have in the north on these reserves, especially the reserve from which I come which covers two or three miles of road—it is a townsite which has been laid out and roads had to be built. The cars belonging to other people such as the Hudson Bay Company come on the reserve at certain times of the year and do a lot of damage to the roads. This occurs during periods of thaw after the cold weather. We try to control all the motor cars, not permitting them to run on the reserve roads until after the thaw period. In some cases, it is quite satisfactory, but in some cases the man in charge of the car says, "I have a British Columbia licence and I can go any place in British Columbia". If his licence permits him to go anywhere in British Columbia, why ask the village to be responsible for the upkeep of the road without any assistance from the provincial government? I think there is something wrong there. There should be some sort of understanding with regard to motor cars running on the reserve. In some cases the motors are cooperative and in some cases they are not cooperative.

Taxation of the Indians: the only system of taxation of Indians on the reserve is what is called a property tax. In trying to apply this tax on the reserve, we find only one-third of the Indians are property owners. The younger boys are not interested in owning property, with the result the tax burden will be on those who own property. We would suggest an amendment to that Act whereby we would have the right to levy what might be called a poll tax such as the one levied in British Columbia. This would provide that everyone between the ages of say, 18 and 65, would be taxable. This would be quite an improvement. In attempting to apply this tax, we found one-third of the people are not subject to the tax, they do not own property. Still more people do not want to own property in order to escape the tax. I guess the Indians are the same as the whites, they want to escape taxes. We suggest an amendment be made to that section of the Indian Act.

We find the committee is looking into the question of the health of the Indians on the reserve. We find some places in which there is no fresh running water. Wells are dug in between houses and perhaps a dry toilet will be found within twenty feet of the well. Occasionally, when there is an excess of rainfall the surface water seeps into these wells. This condition should be thoroughly investigated. It exists today in British Columbia. There is no water system in some of the villages. In my home town, we have a water system, but in other villages the system is very poor. People wonder why the Indian is always a sick man in British Columbia. The Indians drink this water, that is the reason. In the larger villages, such as the village from which I come, dry toilets are dug in the ground. In flood conditions at certain periods of the year, these become a

general menace to the community. Why does not the government undertake to construct a trunk sewage system for certain sections? This would remove the menace. The council tries to enforce sanitary conditions by taking some sewage material down to the beach. We do not like to discourage the head of the family from leaving his family behind when he goes out trapping or fishing. If we enforce sanitary regulations on the reserve, usually the head of a family says his wife cannot do this work while he is away so he takes her along. The result is the family will be camping somewhere and the children will be deprived of an education.

I think that is about all I can say, gentlemen. I am glad at this time to have the opportunity of appearing before the committee. We hope your amendments to the Indian Act will be of general benefit to all the Indians, not only in organized districts, but other districts where what you call self-governing villages do not apply. We hope that out of your deliberations will come a fair Act to replace this very old Act. I thank you, gentlemen.

The CHAIRMAN: Thank you very much, Mr. Gosnell.

Before proceeding with the questions, I am going to ask that the members of this committee retain the same seats this afternoon. This is a split session of the committee, and in order to give everyone the right to ask questions, I am going to ask the members to retain the same seats this afternoon.

Mr. REID: May I raise one question now, Mr. Chairman? We have all listened with great attention to Mr. Gosnell's evidence. He is an extra delegate from British Columbia and, according to the ruling or the motion which was passed, the committee could not, technically, pay Mr. Gosnell's expenses. I am going to move that we accept him and pay his expenses.

Mr. GIBSON: I second that motion.

The CHAIRMAN: The motion is in order, but I think we should also consider the precedent we are setting.

Mr. CASE: Mr. Chairman, I think the motion should be referred to the "steering" committee for consideration because if you are going to start that, you will have difficulty later. I have no objection in this case, but I do think the procedure should be to refer it to the subcommittee for consideration and report.

The CHAIRMAN: I think we all agree that Mr. Gosnell's expenses should be paid, but as has been pointed out—

Mr. MACNICOL: Absolutely.

The CHAIRMAN: Then, you must pay extra delegates who come from any other organization from any other province.

Mr. MACNICOL: His submission was so good. I think we should pay his way. I have listened to submissions not half as good from authorized delegates.

Mr. MATTHEWS: I would support Mr. Case's amendment. I think it is a fair amendment. I may say I am in favour of paying him, but I do not think it should be decided at this meeting.

The CHAIRMAN: You must consider now the precedent you are setting by this action. You, of course, remember that last week we had several people come down from Alberta who came at their own expense. These people were not allowed any per diem and they were not allowed any travelling expenses. It has been brought to my attention that some of the extra representatives were not heard, but I do not agree with that, because those from Alberta were heard. Now, you have also to think of the others that will be coming along, and they will want to bring extra delegates. I have before me a telegram from British Columbia asking that another delegate be heard. It is your pleasure, however, but if they bring extra delegates from Ontario, and the other places, you see what that will result in.

Mr. MACNICOL: That presents another picture. Perhaps I was too hasty with what I said. I was carried away by the submission that Mr. Gosnell made and I will withdraw those remarks.

The CHAIRMAN: We must consider that we have Saskatchewan coming and they have been permitted only three delegates but they are bringing a fourth. We also have Manitoba coming, and Ontario and later Quebec.

Mr. CASE: Mr. Chairman, my experience has been that the moment you depart from a rule you get into difficulty. This is a splendid brief but I think we must abide by the rules that the committee has set up. If you set a precedent then everyone is entitled to the same treatment. We must stand by one or the other.

Mr. REID: Could I add to my motion the words "that the matter be referred to the subcommittee"?

The CHAIRMAN: We cannot refer it to the subcommittee, because these gentlemen are going back to-day.

Mr. CASE: In the meantime they pay their own expenses and if there is anything comes of it the money will be sent to them.

Mr. MATTHEWS: I do not think the subcommittee should decide until the meetings are over.

The CHAIRMAN: I think the delegates will realize the position we are in. We have made known to them exactly how many delegates will be permitted to come and they have requested that they be allowed to bring others. We said it was quite all right to bring other delegates but only the expenses of three could be paid.

Hon. Mrs. FALLIS: Could it not be left as the committee decided in the first place, and then when the whole matter is reviewed, if it is decided that the expenses of the extra delegates could be paid the money can then be refunded. It would be placing every delegate on the same basis exactly.

Mr. GIBSON: I just felt that since British Columbia has the second largest Indian population that the delegates' request was reasonable.

The CHAIRMAN: What would you say as to the North American Brotherhood? They have made a request to have another delegate from British Columbia come along.

Mr. CASE: You will never get through with all of them.

Mr. CASTLEDEN: Let us have the question on the motion?

The CHAIRMAN: I was first going to ask Mr. Kelly if he had anything else to say.

Mr. KELLY: Well, we will bow to the committee's decision but the only thing we had in mind is that you asked six delegates to come from Ontario and while we are the only organized body in British Columbia, including the unaffiliated Indians, we represent 26,000 people. I think it is only fair to point out that we are only allowed three delegates as compared with Ontario's six. That is all I wish to say.

The CHAIRMAN: But you do agree, Mr. Kelly, that the committee did make it clear to you how many delegates would be paid.

Mr. KELLY: That is right.

The CHAIRMAN: And you do agree that there is no organization such as yours in Ontario, is that right?

Mr. KELLY: I see that.

Mr. MACNICOL: I suppose we could allow something for the fact that the unaffiliated Indians in British Columbia had not been asked to send a representative and that Mr. Williams did come and he was an excellent representative

and he made about the best deposition I have heard before the committee. Perhaps it was not the best deposition but certainly it was one of the best.

The CHAIRMAN: Now, we have, in the meantime, a motion that has been referred to the subcommittee for consideration at a later date.

Mr. CASE: It might quite properly be argued that he is a member or could be one of the official delegates.

The CHAIRMAN: If it is agreeable we have a mover and a seconder that we should leave it to the subcommittee.

Agreed.

Mr. REID: Are we meeting this afternoon?

The CHAIRMAN: Yes, at four o'clock. Now if the witnesses will move up to the table we can proceed with the questions.

Mr. BLACKMORE: Which way are you starting?

The CHAIRMAN: Clockwise, going around from Mr. Case. Now, is it your pleasure, gentlemen, that all the witnesses answer questions at the same time? What I mean to say is will the person who is putting the questions deal with any one of the four delegates or all of them?

Mr. CASTLEDEN: I think we had better deal with all of them or you will have to go around the table four times.

Mr. MACNICOL: I would suggest that it would be acceptable if anyone of the four answered the questions which were asked.

The CHAIRMAN: Mr. Case would you like to ask some questions?

Mr. CASE: I would like to ask some questions of the last witness and one question of Mr. Kelly.

The CHAIRMAN: Mr. Gosnell was the last witness.

Mr. CASE: I would like to ask you, Mr. Gosnell, a few questions. Is there anything to prevent the Indians from acquiring a plant or industry on their own at the present time?

Mr. GOSNELL: I do not think so.

Mr. CASE: You made that point in your brief, that you should be privileged to do that. You say there is nothing to prevent you from doing that.

Mr. GOSNELL: The only thing, it seems to me, to encourage industries on the reserve, we should be helped financially by the government. There is the question about the Kitsilano reserve as to who has authority over the reserve. The Indians, the dominion government, and the provincial government, are all playing around with the question as to who owns the title to that reserve. In my opinion until this question is clarified it will be very hard to ask industries to come in or to have industry encouraged on the reserve. As far as industries being built by the Indians is concerned, I think that could be done.

Mr. CASE: You think it could be done. My point is there are no restrictions there. Do you know how the Indians in Alaska acquired their plants?

Mr. GOSNELL: I beg pardon, Mr. Case?

Mr. CASE: How did the Alaska Indians acquire their plants? You say they did acquire the plants?

Mr. GOSNELL: Yes.

Mr. CASE: Did they have government assistance?

Mr. GOSNELL: Oh, yes, they had a government manager and I think an accountant and a cannery superintendent.

Mr. CASE: But the plant belongs to the Indians.

Mr. GOSNELL: It belongs to the Indians.

Mr. CASE: Not to individual Indians or to a tribe?

Mr. GOSNELL: No, it belongs to the village. They do not use the title. They rate it as a village and the Alaska government helps to finance the canneries and we are hoping for a similar system in Canada namely, that the Indians in a village own the industry, but the government finances the capital for the buildings and that capital is repayable out of the proceeds of the cannery.

Mr. CASE: Well, do the Indians benefit by all the profits?

Mr. GOSNELL: No, not during the term of payment. All they benefit by during that time is that they are at home. They work at the cannery and stay at home.

Mr. CASE: Then your thought really is you should have some assistance to acquire or to develop a plant and then you would be quite willing to pay for it out of the profits, so that eventually it would belong to the Indians.

Mr. GOSNELL: When it is paid for it will belong to the Indians who undertook it.

Mr. CASE: Now are there fishing waters on or adjacent to the reserve that could lend themselves to this type of development?

Mr. GOSNELL: Yes, on the coast reserve.

Mr. CASE: Is there any development there at the present time?

Mr. GOSNELL: Yes, but not right on the reserve.

Mr. CASE: But it could be developed right there in a suitable place?

Mr. GOSNELL: Yes.

Mr. CASE: Now, have you a cooperative organization now?

Mr. GOSNELL: No, there is one at Massett, a cooperative cannery there, and they really specialize in shell fishing.

The CHAIRMAN: What was the name of that place?

Mr. GOSNELL: M-A-S-S-E-T-T. I think one of the Indians is the president at Massett. There is a mixture of whites and Indians there. There is a white settlement that has need of employment and I think they are working with the Indians. It is a leased cannery.

Mr. CASE: Are they doing business as an enterprise?

Mr. GOSNELL: Yes.

Mr. CASE: What is their particular enterprise?

Mr. GOSNELL: Canning clams and shellfish. In fact, when we were at the convention at Massett two weeks ago the cannery was operating.

Mr. CASE: Is there anything to prevent the Indians operating their own boats now?

Mr. GOSNELL: No, only the matter of finance.

Mr. CASE: So pretty well the same answers apply there.

Mr. GOSNELL: Yes.

Mr. CASE: Would you like assistance to finance that business in the same way, on the same basis, that is to have government provide the capital for you to establish the industry?

Mr. GOSNELL: Yes.

Mr. CASE: Now I think I have that fairly clear in my mind. You have given a fairly clear explanation and I would like to ask Mr. Kelly a question. In his brief he says, "the schools should be undenominational". And then, I read on, that, "if the dominion government assumed the cost then the churches could have additional money to advance their ministry in additional social services and practical benefits for the Indians". Do you mean you want to take the educational system entirely away from the churches or are you going to leave them partly responsible?

Mr. KELLY: Our idea was that education should be strictly undenominational, no church control at all.

Mr. CASE: In the schools?

Mr. KELLY: Yes.

Mr. CASE: That is clear in your brief. The churches should be relieved of the schools and allowed to devote their time and social services to their other welfare work.

Mr. KELLY: Yes, to ordinary missionary work which comes under their auspices.

Mr. CASE: That is the teachers would be appointed by the Indian department without any approval from the church.

Mr. KELLY: That is right.

Mr. CASE: I think, Mr. Chairman, those are all the questions I have.

The CHAIRMAN: It is one minute to one. Would you like to go on now, Mr. Blackmore or would you call it off for now?

Mr. BLACKMORE: I will not be able to come to-morrow.

The CHAIRMAN: Well then perhaps you could go ahead now.

Mr. BLACKMORE: Well, I could not cover my questions in any event.

The CHAIRMAN: Will you be able to be here at any time to-morrow?

Mr. BLACKMORE: It just depends on what happens in the House but I will try to be here at four o'clock.

The CHAIRMAN: Well then we will adjourn it until four o'clock.

The meeting adjourned at 1.00 p.m. to meet again this afternoon at 4.00 o'clock p.m.

AFTERNOON SESSION

The committee resumed at 4 p.m.

The CHAIRMAN: Senator Fallis and gentlemen; if you will come to order please.

This morning I made the request that members of the committee retain the seats they were occupying at the morning session. I do not know whether the members are all here or not. If not, I would ask you to assume that because of the fact that during the question period I would like to take everybody in his proper turn.

Mr. CASE: Mr. Chairman, I was just wondering if I might ask just one more question of Mr. Kelly before I turned over to Mr. Blackmore?

The CHAIRMAN: If Mr. Blackmore has no objection.

Rev. P. R. Kelly, recalled:

By Mr. Case:

Q. I am going to ask if you would care to make any comment on Mr. Gosnell's reference to the Indians operating their own industries; if it can be gone about in a direct way why has it not been instituted, because there is nothing to prevent them from doing so at the present time?—A. Well, I suppose there are a number of factors to it. First of all, lack of funds. The bands have never been able to raise sufficient capital to start an industry of that kind. And, secondly, I think it is lack of training in management. That relates pa

ticularly to the type of industries to which you have referred. It is not so with respect to industries where the amount of capital involved is comparatively limited. There were certain industries established by the late Rev. William Duncan in the early days, and they were firmly established before he passed on. In those cases I think the management has been left in the hands of competent men. And I think I can frankly say that one of the great difficulties in organizational work of that kind is lack of proper bookkeeping. That has been a source of failures in the past. I can recall different industries; there was a co-operative industry in connection with dogfish livers started in Kitimaat a number of years ago where they were successful for a time and then through lack of markets they got a surplus stored up. That also fell away and I think it was because of lack of proper bookkeeping. Those were contributing factors. However, I think we have gone just a little beyond that and once again there is a feeling that something like that should be done. They have experience in fishing, especially for the big co-operative companies; and on the west coast of Vancouver Island in connection with fishing they are carrying on some sort of co-operative scheme of their own and making a good success of it. I think it is on the upturn now.

Mr. CASE: Thank you.

The CHAIRMAN: Mr. Blackmore.

Mr. BLACKMORE: Mr. Chairman, I wonder if it would not be appropriate if we divided the time amongst us. I have enough questions to occupy half an hour, more than I conceive to be my fair share having regard to the wishes of other members.

The CHAIRMAN: I think that is a very generous statement on your part, Mr. Blackmore.

Mr. BLACKMORE: Would you give us 12 minutes, 15 minutes; what about 15 minutes?

The CHAIRMAN: Just a minute, we will see what we have here. I will have to give you about 10 minutes each as it is now twelve minutes after four.

Mr. CASTLEDEN: Mr. Chairman, if I might make a suggestion, there may be important questions Mr. Blackmore may want to ask and if it is necessary at the end of the session, if by six o'clock we haven't reached them all, you might arrange for further questions later on to-night, if necessary.

Mr. BLACKMORE: When we all have been around once then I might come in again.

The CHAIRMAN: I think that is a wise suggestion, 10 minutes each, and maybe some of the other questions will cover some of the ground in which you are interested; and then at the end if you find there is something more about which you want to ask that can be taken up in due course.

Hon. Mrs. FALLIS: Mr. Chairman, I was going to say that I will take only two or three minutes. I have another appointment and Mr. Blackmore has been good enough to say that he will give me his turn, and I might suggest that what might be left of my time might be made available to him; would that be fair?

The CHAIRMAN: Yes, if it is agreeable to the committee. Mrs. Fallis will go ahead and she will be followed by Mr. Blackmore until 28 minutes to five. I have a gong here.

By Hon. Mrs. Fallis:

Q. I have just two questions which I had wished to direct to Mr. Gosnell—

The CHAIRMAN: Could any of the others answer? Where is Mr. Gosnell, Mr. Kelly?

Hon. Mr. FALLIS: Perhaps Mr. Kelly or one of the chiefs could answer my questions just as well. Possibly Mr. Kelly could answer the questions. My first question has to do with education and it is in connection with the teachers in the day schools on the reservations. He mentioned the fact that in one or two cases teachers were as not as well qualified in the Indian schools as they were in the provincial schools. He mentioned one particular case of a school which is across the road under provincial auspices where the teacher was much better qualified. I might as well ask him whether he was indicating a general condition; if he felt that on the whole the teachers in the Indian schools are not as well qualified as those in the provincial schools, or rather that it related to just one or two isolated places.

The WITNESS: I think it is quite general.

By Hon. Mrs. Fallis:

Q. You think it is quite general?—A. Yes.

Q. If it is the general condition what would you say was the main cause: is it inability to obtain teachers, or poor salaries? What is the cause of not being able to have as good teachers in Indian reserves?—A. I can answer that, some of it. I do not know whether I can give you a complete answer. For one thing, with the poor salaries that are paid—

Q. That would be a responsibility of the Department, of Indian Affairs?—A. Yes; and another thing, in British Columbia up until recently the time spent in teaching in an Indian school did not count toward getting a permanent certificate for a teacher and therefore the teachers that were starting out did not want to go to Indian schools because it did not count for them. That was another reason. Then I think that a third reason would be that many places are isolated; places like Kitimaat, for instance, and northern British Columbia where there is no mail boat service whatsoever, the nearest mail boat is 65 miles away and you had to reach that place by small boat.

Q. I appreciate that angle, that living conditions and isolation do not make it very attractive; but when he speaks of one school being just across the road from another and one not being able to get a good teacher; I was thinking that there you have conditions which would be almost parallel.—A. Yes. That is at Port Simpson. That of course is not an isolated place in the way that some villages are; but I think generally speaking those conditions are general.

Mr. BLACKMORE: Would it be due to lack of inspection?

By Hon. Mrs. Fallis:

Q. The second question I wished to ask was this, his remark that in a democracy women should be represented on the Indian council. I was just wondering why that was put before the committee. I understood that would be an affair for the members of the council themselves. Am I wrong?—A. I think it is written into the Indian Act that only male members can vote for elections to council or in any other election.

Q. I wanted information on that because I did not know whether it was in the Act, or whether you already had the power for women to vote.—A. No.

Hon. Mrs. FALLIS: Thank you.

The CHAIRMAN: There is just one thing, if I may here point it out; I have here a memorandum from the superintendent of welfare and training with reference to the inspection and qualifications of teachers at Port Simpson Indian day schools. It reads as follows:

OTTAWA, May 2, 1947.

Memorandum:

MR. HOEY

With reference to the inspection and qualification of teachers at the Port Simpson Indian day school, I submit herewith the information requested:

	Name of Teacher	Type of Certificate	Years of Experience	Inspected by
Oct. 1937	Miss K. How, B.A.	1st Class	2 years	G. H. Barry
	Miss L. Swartz	1st Class	1 year	G. H. Barry
May 1939	Miss K. How, B.A.	1st Class	3 years	G. H. Barry
	Miss L. Swartz	1st Class	2 years	G. H. Barry
May 1940	Miss K. How, B.A.	1st Class	4 years	G. H. Barry
	Miss L. Swartz	1st Class	3 years	G. H. Barry (I.A.B.)
Feb. 1943	Miss Curry	2nd Class	16 years	Thorsteisson
	Miss Hill	2nd Class	15 years	Thorsteisson
June 1944	Miss Curry	2nd Class	17 years	Thorsteisson
	Mrs. Elliott	1st Class	5 years	Thorsteisson
June 1945	Miss M. Keyser	1st Class	6 years	Thorsteisson
	Miss Curry	2nd Class	18 years	Thorsteisson (Prov. Dept. Education)
Feb. 1947	Mrs. C. Culver	2nd Class	10 years	R. F. Davey
	Mrs. Castleman	2nd Class	4 years	R. F. Davey

BERNARD F. NEARY,
Supt. of Welfare and Training.

Thank you, Mrs. Fallis.

Mr. BLACKMORE: First I would like to ask a few questions on the main brief. Section 2, paragraph 3, line 5; the Indian agent—can threaten the Indians with enfranchisement. I wonder if the witness would give us some cases of that kind.

The CHAIRMAN: Is that on page 2, Mr. Blackmore?

Mr. BLACKMORE: On page 2, paragraph 3, line 5.

The CHAIRMAN: That is No. 2, on band membership?

Mr. BLACKMORE: Yes.

The CHAIRMAN: The end line—?

Mr. BLACKMORE: It is number 2 under band membership.

The CHAIRMAN: Number 2 is band membership and then it is number 2 under band membership. What line?

Mr. BLACKMORE: The third paragraph, the fourth and fifth lines. It says.

"The Indian agent or his subordinates can threaten Indians with enfranchisement."

was wondering if the witness could give two examples of that, two instances here that has occurred?

The WITNESS: Do you want me to give names?

By Mr. Blackmore:

Q. I think that a case like that is so flagrant that names should be given.—It is not always an easy thing to do to refer to names. I do recall during the past year an instance in which that threat was used.

By the Chairman:

Q. Pardon me. Is this to your personal knowledge, or hearsay, Mr. Kelly? A. This is my personal knowledge. That is to say, it is my personal knowledge so far as the Indian agent who was concerned told me about the incident. I did not hear him making the threat. He told me that himself.

Mr. FARQUHAR: I was going to ask that same question. Would you follow that up? I was going to ask for what reason the agent would do that.

The WITNESS: The reason was this. This man had been doing business. He had kept a store, and he had not been meeting his bills with the wholesalers. The Indian agent went to him. The firms had been writing to the Indian agent concerned, and the Indian agent went to him and said that unless he attended to his business and met his obligations that he would enfranchise him and throw him out to the wolves. I think that is the phrase that he used himself, according to his own story.

By Mr. Blackmore:

Q. Did he not—had you more to say?—A. I think that is enough. I know the two persons concerned, but I do not like to go into the names of people.

Q. I can appreciate your delicacy on that matter. This reads:

Individual cases show that the Indian agent or his subordinates can threaten an Indian and it would be possible legally that the Indian would be enfranchised without his consent or the consent of the band.

That is very serious. Has it come to your knowledge that the agent or subordinate of an Indian agent has used that threat?—A. Yes, sir. The word "subordinate" probably is pushing the line a little too far. Only an Indian agent would do a thing like that, but I think a subordinate position would be a constable acting under the Indian agent. I do not know anyone else who would say that.

By the Chairman:

Q. It is a fact that an Indian cannot be sued while a member of a band and on the reserve? He could not be sued for the debt, could he?—A. I am not sure about that. I understand he can be sued.

Q. But that is a fact, is it not? You cannot enforce the judgment?

Mr. HOEY: You could not recover.

The CHAIRMAN: That is probably why the statement would be made.

Mr. GIBSON: As a matter of information there was one case in British Columbia where an Indian had his gas boat attached because the judge felt that was not a part of his chattels on the reserve.

By Mr. Blackmore:

Q. Going to division 3, liability of Indians to pay taxes, in subsection (a) there is a reference to the imposition of income tax and other taxation on the native people. Can Rev. Kelly give some actual cases in which income tax was imposed upon Indians, to his personal knowledge?—A. Are you asking me if I know of income tax imposed on the Indians?

Q. Indians who have to pay income taxes, whether or not you choose to give the name.—A. Hear is a slip handed to me right now.

The CHAIRMAN: I think it is generally admitted they do pay income taxes on what they earn off the reserve.

The WITNESS: Let me give this picture. In the fishing industries the income tax is taken right off at the source as provided for by the law. He is given his receipt for it such as this one here. This is a receipt for an Indian's income tax. I think the income tax taken off in one agency alone, in one village alone—I am thinking of Bella Bella—amounted to something like \$80,000 for one season. That is general all over the coast. That is not hearsay at all. You can go to the books at any of the fishing companies and ascertain this.

By Mr. Castleden:

Q. How many Indians would that cover?—A. Fishermen—3,500 or 4,000.

Mr. REID: 4,000 fishermen would mean an average of income of \$2,000 for income tax?

The WITNESS: I am thinking of one place.

By Mr. Gibson:

Q. Their average income was \$3,500?—A. I did not say anything about average income. I gave the number of Indians who are engaged in the fishing industry. That is what I understood was asked. I said around 3,500, probably closer to 4,000.

By Mr. Blackmore:

Q. I notice in your brief you say:

The natives look upon this as a violation of the British principle, "no taxation without representation".

I think probably your point is very well taken. On page 4, the second line from the top of the page, you say:

The lands contiguous to the reserves have been commercialized and exploited with no benefit to the Indians.

Would you elaborate to some extent on that? Have you in mind forest areas, fishing areas, or fur-bearing areas?—A. Yes. In connection with fur-bearing animals that is true, and also timber. The timber that grows on the land contiguous to Indian reserves may just as well be a thousand miles away from them for all the good it does them because those lands are held by timber companies. A large company makes application, as they have a right to do under the laws of the land, and they are granted a licence and they pay so much each year for that. The land, to all intents and purposes, becomes theirs in the sense that the timber on it is theirs. No one else can take any timber off that land. Even for fuel purposes Indians cannot go on that land. They are prohibited from doing so. They would be trespassers. They can be held for trespassing if they do.

Q. There are no treaties signed by the British Columbia Indians?—A. Not for the larger portion of British Columbia. There are a few treaties.

Q. Was there an understanding between the Indians and the government that the Indians were to be free to travel off the reservation and hunt, fish, pick berries and so forth?—A. Yes.

Q. That was understood?—A. That was understood. I have not got one of those treaties to read to you. I referred to them in these papers of 1850-1875, the papers concerning the British Columbia land question. Those treaties were signed under the Governor at that time, the late Sir James Douglas. In those treaties that were made the Indians were to enjoy their mode of living and everything that they had enjoyed before the treaties were made on the lands that were thereafter looked upon as Crown lands. They would still enjoy those things on those lands. I think we read from the 13th article of the terms of union in that connection. It reads as follows:

The charge of the Indians, and the trusteeship and management of lands reserved for their use and benefit, shall be assumed by the dominion government, and a policy as liberal as that hitherto pursued by the British Columbia government shall be continued by the dominion government after union.

That was the actual agreement which was made, I think, in 1871.

Q. It would be your considered opinion that the spirit, if not the principle, of that agreement has been followed?—A. Yes.

Q. Consistently?—A. Yes.

Q. Now further down under (b), I note these words:

if there is to be taxation then for the Indians there should be adequate representation in the affairs of government and adequate compensation for the taxation so imposed.

Had you thought through far enough to formulate any idea how such representation might be implemented or brought about? Would you suggest something like the Maori representation in New Zealand?—A. Yes.

Q. That the Indian population throughout Canada should elect certain members to the House?—A. Yes, if a representation were to be given. We said in one place here on page 4, "a system of native representation such as the Maoris enjoy in New Zealand could be the pattern followed in Canada." If you want me to read that part into the record I would be glad to do so.

The CHAIRMAN: Well we have had a discussion of the Maori situation by Mr. Jeness, you may have noticed it in the minutes.

The WITNESS: Well, there are four representatives representing the Maoris and in 1943 they numbered 96,939 and in the parliament of New Zealand they are allotted four members. The Maoris are allowed to vote for those four members but they are not allowed to vote in the country at large for other members. The half-caste's have a choice of voting either with the Maoris or in the larger body politic. They cannot vote for both. Now that is their system, and I might say some of the members have reached cabinet positions and one of them has been knighted. They have advanced wonderfully. I would also like to say that under the challenge of responsibility they seem to have thrived. At one time, in 1874, the population of the Maoris in New Zealand was 47,330, in 1896 the population was down to 42,113; in 1921 there were 56,987; in 1936 it rose to 82,327 and in 1943 to 96,939. The increase was brought about by better conditions generally. The New Zealand government has established hospitals and a very fine school system leading to universities. Maoris are allowed to attend any school in the land, that is outside of the schools on their own lands, Maori lands. They do not call them reserves, they are known as native lands. They are allowed to go to any school and they also have free access to all the high schools and universities.

The CHAIRMAN: It is now 4.35, Mr. Blackmore.

Mr. BLACKMORE: Has my time expired, I thought it was to go to 4.38.

The CHAIRMAN: I am just going by that clock, and it is now 4.35.

Mr. BLACKMORE: Well, it is quite all right.

By Mr. Gibson:

Q. Mr. Kelly, you have visited many of the Indian villages on the coast there and I have been advised that there is a great deal of dissatisfaction with respect to the medical setup that we have on the Pacific coast. In your opinion are more frequent visits by doctors on the coast reserves necessary?—A. I think so. I thoroughly think there is a great deal of room for more intensive work along those lines.

Q. Would you recommend that hospital boats might possibly be placed on the west coast to visit those reserves?—A. Yes, along the coast of Vancouver Island.

Q. Yes, along both the east and west coasts?—A. That would help a great deal.

Q. Has it been your experience that the Indian agents are not always sympathetic to the medical needs of the Indians? Have you had any difficulties in getting hospitalization? There has been some suggestion made that it is difficult there to get medical care.—A. Yes, some of the agents are sympathetic, but others do not worry a great deal about it.

Q. I was very interested the other day, when I questioned Chief Scow, with regard to what age he went out fishing. He is a fisherman and a lumberman, those being the principle occupations of the British Columbia Indians, and Chief Scow stated that when he was fifteen years of age he was earning a full man's wage. I would think that was a pretty fair statement. My point is that from the standpoint of vocational training and ability to earn a living, do you not agree that you were better equipped to earn a living than most white children? I will put that to Chief Scow at this moment.

Chief Scow: I do not think I was.

Mr. GIBSON: Would you say at fifteen you were earning a full adult's income?

Chief Scow: I guess I was, as far as money was concerned.

Mr. WILLIAMS: But that was just for two or three months?

Chief Scow: Fishing is only seasonal out there.

By Mr. Gibson:

Q. I would naturally think these children have grown up in a place where they would learn to become competent woodsmen. I am trying to make the point that the average Indian boy is better equipped to step into a job as a result of the training he has had from his father than is the average white child in the city.—A. I think so, physically. I think he is better developed.

Q. He has more practical knowledge.—A. Yes.

Q. I am very much impressed with the ability of the Indian to step in to either fishing or lumbering.—A. I think I can substantiate what Chief Scow said. I went to school rather late in life and I think at fifteen or sixteen I was earning a man's wage in the fishing industry and I do not think what he says is out of the way at all. It was a natural thing.

Q. Mr. Gosnell mentioned something about the Japanese fishermen having been eliminated from the coast and that a number of their boats had been bought by the Indian fishermen. I might ask Mr. Gosnell, whether, in his opinion, a fair price was paid for the boats? I assume the canneries helped you to finance the purchase of the boats, but was a fair price paid for the boats?

Mr. GOSNELL: Yes.

The CHAIRMAN: I am sorry, but we cannot hear you up here.

Mr. GOSNELL: Yes, there was a fair price paid for the boats.

The CHAIRMAN: What was that again?

Mr. GOSNELL: A fair price was paid for the boats. The canning companies buy the boats and they resell them to the Indian at the regular price or the standard price which the cannery charges for their own boats. I do not know of an Indian buying direct. I know I bought a boat for \$300 myself.

Mr. GIBSON: It was not much of a boat if you bought it for \$300.

Mr. GOSNELL: It was a good boat. It sold afterwards for \$3,000.

Mr. GIBSON: I wish I had known the custodian of enemy property as well as you did. You mentioned also that some of the cannery operators had given notice to certain Indians, as the result of the anticipated return of the Japanese to the coast this year, that the services of the Indians would not be required. I wonder if it is a fair question to ask you what cannery operator that might be? So far as my own personal knowledge is concerned, I never heard it discussed but it is a matter of concern at the moment.

Mr. GOSNELL: This was on the Skeena River.

Mr. GIBSON: That statement was made by one of the cannery operators there?

Mr. GOSNELL: Yes, several cannery operators.

The CHAIRMAN: I am sorry, Mr. Gosnell, but we cannot hear you up here.

Mr. GOSNELL: On my way out from Prince Rupert I met a man entering the train. He said he was going back to re-hire the Indians who were told they were not needed for the fishing season of 1947. I presume the operators found out they could not get any Japanese, so they had to re-hire the Indians.

Mr. GIBSON: I gather, then, you are opposed to the Japanese receiving fishing licences on the B.C. coast?

Mr. GOSNELL: Absolutely.

Mr. REID: That is not Tom Reid speaking this time, it is a native Canadian.

Mr. GIBSON: You stated the Indians are not free. I should like to know in what way you feel the Indians are restricted, except, of course, with regard to the purchase of liquor which is a moot point. The Indian can fish wherever he wants, at his own price, he lives where he wants and he certainly can be enfranchised if he cares to be.

Mr. WILLIAMS: Your statement that the Indian can live where he wants is not quite correct. If he goes off the reserve for eighteen months, he is immediately taken off the medical list. If he comes back to the reserve, he receives medical assistance. If he wants to go into business on the reserve for himself, he cannot go to the bank and put up his property or his location for security. He is not a free man according to the ordinary concept of democracy. It is true the Indian sells his fish at the present time for the same price other fishermen are receiving for their products. This was brought about by the fact this organization has a written agreement with the salmon cannery operating committee and other smaller companies. It took the organization eleven years to obtain that agreement.

Prior to that agreement, a less price was paid to the Indian fisherman. He was charged for commodities, groceries and such things, high prices by the operator's stores.

Mr. GIBSON: Was he charged a different price from what the white man paid?

Mr. WILLIAMS: There have been cases where he was charged and there have been cases where he was not allowed to buy certain commodities in the store. These commodities were kept for the regular crew.

Mr. GIBSON: Do you refer to dried fruit?

Mr. WILLIAMS: No, I am not referring to dried fruit. I know of a case where the stores would not sell fresh milk to the Indian.

Mr. GIBSON: I think that would be an isolated case.

Mr. WILLIAMS: It might be an isolated case, but it is connected with a cannery and, after all, the canneries are isolated.

Mr. GIBSON: You say the Indian cannot obtain a bank loan because of the fact he is under the protection of the Indian Act. Would you suggest or recommend to the committee we should possibly withdraw that protection for the Indian, that his chattels cannot be seized for the payment of a debt? I would allow him access to credit.

Mr. WILLIAMS: I think that is the duty of your committee, to make all possible advances available to the Indian. After all, he is an asset to this country, particularly in the province of B.C. and I am speaking for B.C.

Mr. REID: I wonder if I might have the permission of the committee to make a statement before I ask any questions? I know the practice of making statements should not at this stage be followed but my suggestion to the committee is this, that in the light of all the statements which this committee has heard this morning and due to the fact this is a very important committee the records of which will be here for all time, my suggestion to the committee is that some time shortly we hear the Indian agent in regard to the statements

ade. I heard some statements made this morning which I, personally, should like to enquire into further. I think that is only fair.

Then we had, Mr. Chairman, as you and the other members of the committee know, many statements made regarding the fishing industry which is foreign to most of the members of the committee. Perhaps it does not come within the purview of our committee at the moment, nevertheless, there have been misleading statements made in regard to it.

For instance, I checked up on one statement. I had information regarding Indians fishing licences, and I might say there is no limit to the number of fishing licences for Indians. I had that information this morning but I checked it further during the adjournment with the department. You see, if those statements are allowed to stand, it might give a wrong impression to the public. I am just suggesting to the committee it might, perhaps, be advisable to have Major MacKay here later, if the committee thinks it advisable. We had a member of the fisheries department here this morning, but he is not here now.

The CHAIRMAN: We have Major MacKay here and we will hear him a little later. I might also point out, Mr. Reid, the practice of the commission when they went to the Maritimes. They were doing just what you are suggesting. They would hear all the Indian organizations, make their inspection with the agent and with the Indians as well, but when it came to a hearing the agent was excluded. Then, later, the commission would have a hearing at which the agent was admitted.

Mr. REID: I just wanted to draw to the attention of the committee one statement made in regard to fish prices. It would take some time to explain the difference. A man not knowing the condition or someone getting our data might say, "Here is one district where the Indians were only receiving 14 cents a pound compared to some Japanese operated cannery where they are paying 15 cents." This is a rather involved subject as my friends from British Columbia know. It was for that reason, as well as others, I thought it might be advisable for this committee, later on, to have that explained in the record. Probably a similar committee will not be called together again for 25 years and I, for one, desire the record kept clear.

Mr. FARQUHAR: Are you suggesting that the Indian agents be brought here?

Mr. REID: The chief Indian agent for British Columbia is here. He is sitting in the room.

Mr. CASE: I took it for granted we would hear the Indian agent after we heard the Indians.

Mr. REID: With that statement, I shall proceed to ask one or two questions. I will try to be as brief as I can.

The WITNESS: Before Mr. Reid goes on I think certain things ought to be cleared up. It is true, I think, that there is no limit to the licences that might be granted to Indian fishermen, but the fishing companies put a limit on the equipment granted to their different fishermen and among them the group of Indian fishermen are counted in that group by themselves. Usually they are allotted so many licences, so many boats, so many nets, in order to accommodate somebody else. There is a definite limit.

Mr. REID: The very answer of Mr. Kelly bears out what I said a moment ago, that the subjects are so involved that a statement being made cannot be taken unless you have the whole picture before you, and I doubt if we have the time necessary to discuss the entire fishing industry.

The WITNESS: That is another thing. I do not want the impression to go out that the condition of one cent per pound for fish for different areas will apply to Indians only, but to all the fishermen.

The CHAIRMAN: I think the best thing we can do, Mr. Reid, is to just hear these men while they are here. I know that if we talk about fishing Mr. Reid

could go on for days, because he is an expert on that subject. Also, I should think, we have not got the time to devote to that subject. But I think while we have these gentlemen from British Columbia here we should make the most of their presence.

MR. REID: I will proceed with my questions, and I want to deal with one or two things in the brief, and in doing so I shall duplicate a question that was asked by Mr. Blackmore. I am reading from page 2: "Where enfranchisement has occurred and it is found that the Indian is not suitable for citizenship some provision for readmission to the band should be provided. . ." I wonder who would decide when one was not fit to be a citizen of the country?

THE WITNESS: What I had in mind, Mr. Chairman, was something like this: that probably a young man in his enthusiasm thinks that he is quite capable of going out and taking his place in the world, but after he has been out for a while and his funds have gone he finds he is not fitting into the scheme of things very well. Because of his race he is more or less isolated even in the community in which he lives. His natural longing is to get back to his own people. This is not a theory; these things are as they are today. We are speaking from instances that occur in British Columbia. And the thought was that there should be some way that that man could get back if there was a capital fund there and he paid his share back into the fund of what he has taken out, and be restored to good standing—that is on the vote of his people and with approval of the Indian agent. Those two steps would be necessary. The reason it would be necessary for him to pay into the band fund would be that his children have a claim on that and it would protect generations to come.

By Mr. Reid:

Q. Clause 2: "No member should be removed from band membership unless it be by the will of the person and the band concerned."

My question is this: Are these instances of members being removed from the band against the will of the person?—A. It is something like what Mr. Gu Williams has referred to. Sometimes one is compelled to be away from his reserve because of economic necessity. There are no industries on the reserve, as you know; one has to go away. If one has to be away continuously and does not come back he can lose his membership in his band. Unless one goes to a foreign country I do not think there should be any discrimination whatsoever.

Q. Are you acquainted with the village of Cape Mudge?—A. Yes.

Q. You are well acquainted with Bella Coola. However, I am referring particularly to Cape Mudge. Could that well off condition of the Indians there not be duplicated right up? The fishermen there have a wonderful and splendid village and I wonder if that condition could not be duplicated as far as Port Simpson, and, if not, what is holding it back? At Bella Coola—the new one—I am not speaking of the old place—and Cape Mudge there are two nice places in which you could take pride in showing what the Indians are doing.—A. That depends upon two things. First of all, take Cape Mudge, for instance, it is located in a very fine area where there is splendid fishing. They fish a great deal of the time, but they have been fortunate in other respects because they have timber on their lands and they have sold the timber and that has brought a great deal of money into the band funds.

THE CHAIRMAN: You are speaking of what place?

THE WITNESS: Cape Mudge. They are naturally very industrious there and they make the most of their opportunities. I think one reason for their good condition is that they are in close contact with industry. They have had to face competition and it has brought out the best in them.

MR. WILLIAMS: There is always that competition.

MR. GIBSON: Does that apply in most places?

Mr. WILLIAMS: It does not apply in all places along the coast. A cannery is an isolated place along the coast.

By Mr. Reid:

Q. Have you anything further to say about the band at Metlakatla on the Canadian side? I understand they applied for enfranchisement four or five years ago?—A. Yes.

Q. Do you think enfranchisement should be granted them?—A. It is not for me to say, Mr. Chairman. They have applied for enfranchisement as a band. I suppose they feel they are able to take their place; but if you ask my opinion about whether enfranchisement should be granted to them or not, the only thing I would say is this, that if this committee is going to bring about a new order of things for the Indians it might be well for them to wait a little while to see what transpires before they take the final leap into the new world.

The CHAIRMAN: We are running a little behind schedule, gentlemen. Would you repeat the question?

By Mr. Reid:

Q. This is a new question. It is in regard to housing. In your lifetime, Mr. Kelly, how do the houses of today compare with the houses built, say in the days of your father?—A. I think the houses are better to-day, some of them are the same as they were when I was a boy; and I may say that I was born in an Indian house. Of course, I do not remember exactly what that house was like, but my memory takes me back to the days when I was raised in a properly constructed house, one such as we have to-day; and the change from the housing of the old time is very slight. We put down housing here and I am glad that you mentioned that point. I think that that is one field where there is a great deal of room for improvement, doing something about housing or getting better housing, and also the matter of family independence. The reason we refer to that is this; sometimes in a large house, say in a fair-sized house, they have quite a sized family and the son gets married and brings his wife into that house; after a while the daughter in that home might get married and she brings her husband into that house. I have seen three or four families living in one house—congested conditions, where sanitary conditions were not of the best at all—and the younger people just follow the path of least resistance as they did when they were children. There is no family independence. There certainly is room for tremendous improvement in housing on the Indian reserves, both as to standards as well as to numbers.

The CHAIRMAN: Now, I believe Mr. Castleden will be next, if you don't mind, Mr. Reid.

Mr. REID: I have one more question. When the Indians from Alberta were here the statement was made which was new to most members of the committee and I wanted to ask your opinion about it as a minister of the United Church. In your travels among them would you say that any considerable number of Indians follow the religion of their fathers; or do they follow our religions and as we have it today? One of the witnesses before the committee made the statement that the Indians in Alberta followed their tribal customs, their own religion. What do you say about that?

The CHAIRMAN: The question is, do they practise their own native religions?

The WITNESS: Well, you are asking me; I am a minister of the United Church. I would say as far as my own knowledge goes that on the British Columbia coast that is not the practice: I would answer, no.

The CHAIRMAN: That is fine.

Mr. GIBSON: Would that apply to this generation?

The WITNESS: This generation, at the present time.

Mr. GIBSON: But some of the old people may still practise it?

The CHAIRMAN: Mr. Castleden now has the floor and it is 5.05.

By Mr. Castleden:

Q. I have just a few questions here. You made the statement that the B.C. Indians are not treaty Indians; at least not all of them. What percentage would you say were not under treaties at the present time?—A. That is pretty hard to say. Out of the 25,000 or 26,000 Indians I think there are—probably the commissioner could answer that better than I could, as to the actual number.

Mr. MACKEY: There are no treaty Indians on the Indian reserves in British Columbia. There are Indians under treaty in and around Fort St. John and Port Simpson, but they really come under the Alberta inspectorate and I imagine that Mr. Gooderhom could give you the answer better than I could, because they are under him for administrative purposes. I am not familiar with the number there.

Mr. CASTLEDEN: Thank you.

By Mr. Castleden:

Q. What do you consider then the status of the Indian of British Columbia if they did not surrender their territory at a treaty?—A. Well, he is a non-treaty Indian; I think that is his status.

Q. Then the department is under no obligation—?

The CHAIRMAN: Would you like to withdraw your question if he can't answer?

Mr. CASTLEDEN: In point of time yes, I can get that later.

By Mr. Castleden:

Q. There is \$100,000 paid to the Indians of British Columbia in lieu of treaty money; how is that spent; is that given to them?—A. No.

Q. What about it?—A. The Indian department spends the money for purposes that they think will best serve the Indian, I suppose.

Q. Such as what?—A. Medical, education, farming—along agricultural lines generally; as well as—I think it was stated at that time, higher education and vocational training.

Q. But you receive no money directly as a treaty right?—A. No.

Mr. BLACKMORE: May I supplement one question?

Mr. CASTLEDEN: Yes.

Mr. BLACKMORE: In short would it not mean just this; that the department spent that money doing things that the department are in duty bound to do so its own right?

Mr. CASTLEDEN: That is the very point that I wanted to bring out.

Mr. BLACKMORE: I am sorry.

By Mr. Castleden:

Q. You talk about the Indian agents there. How many Indian agents do you know personally?—A. Well, I suppose I can say half a dozen.

Q. What do you think having regard to the percentage of those who are qualified as to their training and aptitude to carry out their work?—A. I think some of them learn to do their job after they have been in office for some time. A good many of them did not know anything about their work when they were first appointed. From my own observations I can instance cases where Indian agents have been appointed who do nothing about Indians. I am thinking about one man in particular. I live in Ocean Falls and he lived in Ocean Falls and the

Indians he knew were the Indians who came into that small town and he took them around the post. He was appointed Indian agent over a man I think was recommended.

The CHAIRMAN: What year was that; could you tell us?

The WITNESS: I could not say, sir.

The CHAIRMAN: Roughly, how many years ago?

The WITNESS: That would be around 1935; I think it was 1934 or 1935.

Mr. MACKAY: That was not in 1937?

The WITNESS: 1937, yes. That man knew nothing about Indians. He only said he knew nothing about Indians. And recently, too, there was an appointment made, I think the first of April, and the man appointed had just a few months experience connected with the Indian office in another capacity, the farming end of things. He had no experience in administration whatsoever, but he was appointed to a very important agency. I met him once. I have not discussed his business with him at all, but he has told others that he knew nothing about it. He was willing to learn but he knew nothing at all about Indian Affairs when he was appointed.

By Mr. Castleden:

Q. Do you know of any instance where an Indian child has been denied higher education because of a recommendation of an Indian agent or for some other reason?—A. At our convention in Massett last month a young man stood up and gave his own life experience. He came from Port Essington. He wanted higher education and finally he got into the high school. He applied to the Indian agent at Prince Rupert at the time who told him there was no money for it. His father paid his way as far as he could. I think he got to the end of the second year in high school and because of economic needs he had to quit and he left his schooling at that time. This was his statement before the convention of the Native Brotherhood at Massett last month.

Mr. WILLIAMS: He also stated he was three years in grade 8.

Mr. GOSNELL: I know of a case where higher education was denied, and it was to my own daughter. She passed her examinations in Port Simpson. I took her to Prince Rupert, paid her board there and her upkeep. It ran to somewhere in the neighborhood of \$75. After I carried it for close to a year I went to the agent and I told him that the load was a little too heavy and asked if there could be any assistance from the Indian department. The Indian agent told me, "You ought to be ashamed of yourself, coming into this office asking for assistance when you are in a position to carry your own daughter's higher education." There was no assistance.

The CHAIRMAN: When was that?

Mr. GOSNELL: That was about three years ago.

Mr. SCOW: I have had the same experience as Mr. Gosnell. I had quite a desire to get my oldest son to continue in higher education. He had acquired the requirements for continuing on with higher education. I was also told the same thing, that there was no provision. Mind you, I am explaining my own experience. The Indian agent himself told me he could not see any way whereby the Indian department could help me because he said I was in a financial position to support my own family.

Mr. MACNICOL: He said what?

Mr. SCOW: He said I was in a financial position to support my own family. Not because I had acquired certain responsibilities with certain companies he thought I had all kinds of money. It was due to some friends of mine that my son was able to continue with a higher education. He had to go through the

provincial welfare in Vancouver to start with. In the meantime the Indian agent heard of this and also the principal at the time.

Mr. MACNICOL: Where is your son going now?

Mr. SCOW: He is not going to school at the present time.

The CHAIRMAN: How old is he?

Mr. SCOW: He is 20. He attended university for a year, and it was owing to lack of money he could not go back.

The CHAIRMAN: Did he graduate?

Mr. SCOW: No, he did not. He had only one year. Last year he was there for a year but this year he could not continue owing to lack of finances. There I also have a girl. She had the requirements to continue in higher education. She made an application to the Indian agent and he informed me that the policy of the Indian department was that no two members of a family could have higher education.

By Mr. Castleden:

Q. Is it your general experience that as far as maternity cases the Indian department pays for the first five days only and then they are prematurely discharged? You say that in your brief. Is that your general experience?—That is the ruling, but at the hospital at Bella Bella where there is a very sympathetic doctor, Dr. Darby, he has kept them on at a loss until they were fit to be discharged.

By Mr. Farquhar:

Q. These are Indian hospitals?—A. It is a general hospital treating white people as well as Indians. It is a United Church hospital.

By Mr. Castleden:

Q. Is that general in other hospitals in British Columbia?—A. I think so.

By Mr. Blackmore:

Q. It is general for them to be discharged after five days?—A. It is general. Payments are only made for five days on maternity cases.

Q. If the hospitals keep them on they do so at a loss?—A. I do not think they do in city hospitals, like St. Paul's in Vancouver.

Mr. GIBSON: The limit is seven days now, I believe.

The WITNESS: I see. I did not know.

By Mr. Raymond:

Q. Can you tell me how many Indian chiefs are to be found in British Columbia?—A. No, I could not tell you that.

Q. Could you say about how many?—A. They are numerous, possibly a couple of thousand. That is just a wild guess.

Q. You mean 2,000 active chiefs?—A. I would say something like that, I am thinking of the whole province.

Q. How many of them would you say belong to the Native Brotherhood of British Columbia?—A. That is a little hard to answer once again. There are many chiefs and chiefs. In a band there is not just one chief.

Q. I mean to say of those 2,000 you spoke of a moment ago, how many would you say belong to the Native Brotherhood of British Columbia.

Mr. WILLIAMS: That is a hard question to answer because we do not know how many chiefs are in that band. Chiefs are in two categories. There are chiefs who inherit their chieftanship. There are chiefs appointed by the Department of Indian Affairs.

The WITNESS: In the membership of our organization I think I can point this out, that in every locality a branch is formed, and the branch must have at least 20 members. In that branch we do not recognize rank. They are just members, you see. A branch may have from 20 to 100 or 200 members, but must have 20 members before it becomes a branch.

By Mr. Raymond:

Q. Let us say it is impossible to find out as to this matter.—A. It is not impossible to find out.

Q. At the present time?—A. I do not know definitely.

Q. I should like to know if any steps were taken to have a representative of the unaffiliated Indians who would not be an officer of the Native Brotherhood of British Columbia. What steps were taken to have an official, one who could not be a member of the Native Brotherhood of British Columbia, to represent the unaffiliated Indians of British Columbia.

Mr. SCOW: We have Mr. Williams here.

Mr. RAYMOND: I mean not belonging to the Native Brotherhood.

Mr. SCOW: I do not know. I might say that throughout the province of British Columbia we have a member in every village and in every tribe, but not recognized as a branch owing—

Mr. RAYMOND: Were there any steps taken to have the other Indians represented here today by an Indian who would not be a member of the Native Brotherhood of British Columbia?

Mr. SCOW: The unaffiliated Indians represented by an unaffiliated Indian?

Mr. RAYMOND: Yes.

Mr. SCOW: No.

Mr. RAYMOND: I see here you had a convention at Massett on the 31st of March, 1947. Can you say how many members were present at that meeting?

Mr. WILLIAMS: We had sixty-four votes.

Mr. RAYMOND: Did those men represent different branches?

Mr. SCOW: Different branches.

Mr. WILLIAMS: Sixty-seven, and since then we have had a few more who are asking for charters.

Mr. SCOW: Yes, at that time we had over seventy branches.

Mr. RAYMOND: There is a matter here which I would like to present with delicacy. Our minutes show that out of some 25,000 Indians in British Columbia there are 14,465 Roman Catholics. Could I ask, possibly, if there are any Roman Catholics among the representatives here today?

The WITNESS: Among the four of us?

Mr. RAYMOND: Yes.

The WITNESS: No.

Mr. SCOW: I may say our organization is non-political and undenominational.

Mr. RAYMOND: I will come to that but because you are a minority organization advocating undenominational Indian schools for the whole province, so I would like to refer to some previous briefs which has been submitted to this committee. I have seen many instances where Indians in British Columbia are asking to have the schools remain as they are. In my estimation this is a very delicate, but very important matter.

The Native Brotherhood of British Columbia, as stated by Mr. Williams, is non-political and undenominational but perhaps they are not representative of the whole of the Indians of British Columbia.

I call attention for instance, to the brief presented to the committee on the 20th of March, 1947 at page 163, by the Ohamil Indian reserve situated at

Laidlaw, British Columbia. Under "The operation of day and residential schools", it reads "We believe that the present system of education is satisfactory and no change is desired".

The CHAIRMAN: Is that one of the briefs that have been filed?

Mr. RAYMOND: This is the brief of the Ohamil Indian reserve at Laidlaw British Columbia.

The CHAIRMAN: It is a brief you are reading from?

Mr. RAYMOND: Yes, as printed in our minutes.

The CHAIRMAN: It is not from one of the witnesses here today.

Mr. RAYMOND: No, it is a brief. I see a little later with respect to the Coldwater Indian reserve of British Columbia, at page 165, "We, the Indian of the Coldwater Indian reserve, do not wish to change any Indian Act".

Then we see the Shulus reserve, on page 166, "I am satisfied with my schools. From here, my children go to Lytton school, Kamloops, and I have a day school. I want more and better education".

On page 167, the Chemainus Bay reserve, "I have nothing against the school if they look after our children right and give good education".

On page 168, with respect to the St. Mary's, Kootenay Indian reserve, "We want our children well instructed in our faith so that they may always serve God as good christians ought to do".

The Kootenay Indian reserve, Columbia Lake, British Columbia, at page 170, "Fourthly, we want our children well instructed in our faith so that they may always serve God as good christians ought to do".

And then on page 171, from the Lower Kootenay reserve band, "At school our children should learn their religion so that they may be good citizens and good christians. We do not want our children sent to non-religious schools."

And so on, it goes like that. I see that on page 174 the Fort Good Hope reserve say this, "We are all Catholics and we want the schools for our children to be of the Catholic doctrine and to be taught by Catholic teachers. Only if the schools could be built closer to our homes we should be glad. The present day and residential school system has given good satisfaction".

I am bringing this up in order that when I get all the facts before me I will know what to do when I have to decide about these things.

Mr. REID: May I ask a question here. Could we not have the official figures? If this question is going to raise its head in this committee, and you have now raised it, I would like to ask if the figures quoted are official? I know the exact situation in British Columbia and in that province we are not concerned with this question at all and it is a matter that I have been endeavouring to keep out of the committee. If there is any possibility of this matter being carried further, then the province of British Columbia should take over the Indians and the running of them. I have been somewhat expecting this to be raised before now. I could tell that it was coming up by the letters I have received, as can every other member. I think we should have the official figures and if Mr. Raymond is going to raise the question British Columbia is going to hear of it. We have never had the problem arise in the province and it would be detrimental I believe if it does arise.

The CHAIRMAN: Well, could we not get on. You see these are references to briefs that have been filed, they are not references to evidence that has been given before the committee. That is one of the drawbacks in having certain witnesses come before the committee rather than have the committee take evidence on the spot.

Mr. RAYMOND: I would like to ask another question. I brought this up in order to ask if the intention was to amend the policy as it exists at the present time.

The CHAIRMAN: We have not been coming to any conclusions, we are just here to hear evidence. When we come to our conclusions the matter will be raised. Now Mr. Farquhar is next.

Mr. WILLIAMS: May I just ask the gentleman, it was the Laidlaw reserve that he mentioned.

Mr. RAYMOND: Yes.

Mr. WILLIAMS: I believe they submitted their brief through Mr. Reid. I sat in on the meeting, I was holding a listening brief, and they did say something about their schools. It is in section 6, and I do not know whether this has been presented to the committee. This is the brief of the Fraser Valley Indians:

The operation of day and residential schools be brought under provincial jurisdiction, and to the same standard regulations and curriculum properly established, to the same efficiency of non-native public schools and colleges, thus provide an adequate elementary education and proper technical training for native pupils. only by such impartial improvements, will the natives ever attain proper qualifications to the habits and ways of modern civilization.

Now, I may say, to my own knowledge I think the greater percentage of the Fraser Valley Indians are Roman Catholics and they feel very strongly that the schools should be undenominational.

The CHAIRMAN: Mr. Farquhar would like to get along.

Mr. CASTLEDEN: I would like before we leave that, to ask this question. Were the briefs which were submitted to the special joint committee in the evidence of number 5 of this year, received from Indians or were they received from other parties?

The CHAIRMAN: I do not know. Those are the briefs that have come to the committee and they have been filed.

Mr. CASTLEDEN: From whom did they come?

The CHAIRMAN: From the person whose name is at the bottom, in reply to a circular letter sent by Mr. Lickers.

Mr. REID: I presented the petition from the Laidlaw Indians and it has been stated that the meeting was a fully representative one, it was fifty-fifty Roman Catholic. The petition was signed by them all and read out at the meeting.

Mr. CASTLEDEN: At page 163 it shows that it was signed by Mr. Willie George and Ed. Lorenzetto, and there were ten other signatures on the original letter.

Mr. FARQUHAR: Well, if I may continue I would like to ask some questions.

The CHAIRMAN: Yes, Mr. Farquhar go ahead.

By Mr. Farquhar:

Q. I should say that several of the questions I was going to ask have been asked by other members of the committee and they have been answered. Some of the answers however, were not quite clear. On page 2, number 2. "No member should be removed from band membership unless it be by the will of the person and the band concerned". In what other way could one be removed from the band?—A. By being absent from the reserve for a certain amount of time, he could be automatically removed.

Q. Is that a regulation of the department?—A. Yes.

Q. I did not know that. Then again, speaking in connection with the enfranchisement of an Indian. I understand that is a personal matter between the Indian and the department and that the agent has no authority to interfere

further than to give a report when asked to do so by the department. Is that not the way it has been carried out?—A. That is the way it has been carried out. I think all enfranchisements have been through application of the person concerned but as I said there is a chance that improper action might be taken. It has been a threat, with this section, that it could be done.

Q. It could be done?—A. It could be done, yes.

Q. By the agent?—A. The department has two members on a committee. They have a majority of the members. The third member is to represent the Indians.

Q. That is all new information, I did not know that?—A. It is all in the Indian Act.

Q. On page 4, it has been said the Indians are not receiving assistance equal to that received by the white population by way of social benefits such as old age pensions, mothers' allowance, and so on. Would you suggest that the Indian department discontinue the assistance you are now receiving and the department give you the social benefits now given to the white population?—A. That is, if they were to receive what is given to the white people?

Q. Yes.—A. I would certainly say so. If that were available the Indians would certainly benefit by it.

Q. And discontinue the present system the department has of giving hospitalization, relief and such like?—A. No, I did not say that. There is nothing to suggest that.

Q. But I am asking you that question. Would you prefer the Indians receive the social benefits of the white population and discontinue what they are now receiving from the department in the way of hospitalization, relief and charitable amounts?—A. I cannot answer that in a word because you are mixing two principles. You are taking for granted that the Indian is enfranchised. He will be given all the other things and drop his hereditary connection with his people.

Q. Not necessarily that he be enfranchised, but he is already receiving the family allowance, for instance?—A. Yes.

Q. He could receive old age pensions, mothers' allowance and other social relief. What I asked you was would you prefer that the present system be discontinued and the Indian receive the social benefits the white population is receiving?—A. No, I could not answer that in a direct way because you are inferring that he be enfranchised and surrender all his Indian rights.

Q. I am not suggesting that he be enfranchised.—A. It amounts to the same thing.

Q. You would not expect the Indian would continue to receive all the benefits he is now receiving and then also receive all the social benefits the white population is receiving, would you?

The CHAIRMAN: And pay no taxes.

Mr. FARQUHAR: I am mentioning such things as old age pensions, mothers' allowance, family allowance and any other social legislation, the benefit of which the white population may be receiving.

Mr. WILLIAMS: Do you realize that we are not treaty Indians in British Columbia? Other Indians in other provinces entered into a bargain with the federal government for their land which resulted in treaties. The government of Canada has never bargained with the Indians in British Columbia.

Mr. FARQUHAR: I am not suggesting that at all.

The CHAIRMAN: What Mr. Farquhar is trying to do is to get information as to your opinion.

Mr. FARQUHAR: That is what I am trying to do. I am not finding fault with anything that has been done. You have stated you should receive old age

sions. You are already receiving family allowances, but you should also receive all the other social benefits the white population is receiving.

Mr. SCOW: You mean the relief we are getting now? If we receive the benefits spoken of in our brief, will we give up the relief?

Mr. FARQUHAR: Yes?

Mr. SCOW: Yes, we will give up the relief.

Mr. FARQUHAR: That is what I want to know. You would discontinue the present system you have for relief.

The WITNESS: We have in subsection (b) page 4.

"If the governments have the right to impose taxation on the Indians, then such social benefits as are enjoyed by the taxpayers of the country should be granted to the Indians."

You are taxing the Indian. You have been taxing him. You have been taking money away from him. You are taxing the Indian to-day and he has no voice in the affairs of the country at all. In the eyes of the law he is a minor.

By Mr. Farquhar:

Q. I understood he was not paying taxes while on the reserve?—A. What can you earn on the reserve so far as we are concerned in British Columbia? There is nothing to be earned on the reserve.

Mr. CASE: In other words, all the Indian saves is the land tax. The Indian pays all the other taxes, income, gasoline tax and so on.

Mr. FARQUHAR: I am not advocating that the Indian be taxed.

Mr. WILLIAMS: There are taxes collected from the Indians who are earning on the reserve. For instance, the fishermen who are delivering fish to a plant situated on the reserve are paying taxes the same as other fellows who are delivering to plants outside of the reserve. Furthermore, as I said on the first day I was on the stand, a large number of these fish were obtained from non-territorial waters. There is taxation on the reserve.

The CHAIRMAN: Any further questions, Mr. Farquhar?

By Mr. Farquhar:

Q. On page 6, there is a question I was going to ask you. You need not answer it unless you wish. It was in connection with a point you stressed very strongly here, the non-denominational school. You believe all schools should be non-denominational, but, to my mind, you did not give a very clear explanation of just why you advocated it. You did not give the principal reason. You do not need to answer that question unless you wish. There has been a reference made to it already. I thought possibly you had some other reason besides what you stated here.

Mr. SCOW: Since you are back on that question now, I should like to clear up one statement I made in regard to the university, the one year my boy has attended the university. The Indian department has paid the tuition fee for the one year.

The WITNESS: In reply to that question as to why we stress non-denominational schools, we believe it is the only way the Indian will have freedom of expression. He will be under no restraint and no influence whatever. We consider that is of the greatest importance, more important than anything else which might be given in denominational schools. You must have freedom. This country stands for freedom of worship. We believe that is a choice which should be left to the Indian.

In reply to a statement which was made that this delegation is not Roman Catholic, I might say this; we have six district vice-presidents in our organization, three of them are Roman Catholic.

Mr. RAYMOND: I wish to point out I merely asked the question, you see.

The WITNESS: I just pointed this out. The inference seems to be it is a non-Catholic organization, but that is not so. We are non-denominational as the president pointed out. You say here on page 6 in (b) that the Indian agent had denied a large number of deserving Indians the right to go to school. I think you answered that and gave the reason why?—A. Yes.

Q. Again on page 8 you refer to the Indian agent refusing to allow Indian to go to the hospital contrary to the doctor's orders. Is it true that an agent can refuse to allow cases to go to the hospital contrary to the Indian doctor's orders?—A. That is to say that the Indian agent can refuse a patient to go to the hospital?

Q. Contrary to the doctor's orders?—A. Contrary to the doctor's orders, yes.

Q. Has he that authority?—A. I was on the board for a hospital where the Indian agent came, contrary to the doctor's orders, and told patients to go home.

Q. Over the head of the doctor?—A. I beg your pardon?

Q. Contrary to the doctor's wish for them to stay?—A. Yes.

Q. That is a very serious matter. You also referred to the agent having the final say in special cases. Now, one more question. Mr. Williams made the statement that the Indian veterans were not receiving the same consideration as the veterans of the white population. I would like to ask in what way do the Indian veterans not enjoy the privileges of other veterans.

Mr. WILLIAMS: By being pushed out of beer parlors; second, under the Veterans' Land Act a veteran other than an Indian can receive up to \$6,000. He fought for his rights and the Indian fought beside him; some of them paid the supreme sacrifice. They came back and they are only allowed one-third of that; the unreturnable portion.

Mr. FARQUHAR: I understand the Indian can receive exactly the same amount as the white veteran; is not that right?

Mr. HARKNESS: If an Indian leaves the reserve and assumes white status he can get \$6,000.

Mr. WILLIAMS: I am speaking of Indians on the reserve; they are only allowed one-third of the \$6,000—the unreturnable portion. That is not fair.

Mr. FARQUHAR: He is allowed one-third—

Mr. WILLIAMS: The unreturnable portion. That is not fair.

By Mr. Matthews:

Q. Some of the questions I wished to ask have already been answered, but there are two or three questions I would like to get some clarification on. That matter of income tax and enfranchisement was of interest to me, and I would like to ask Mr. Kelly this question. He speaks about the lands contiguous to the reserve having been commercialized and exploited with no benefit to the Indians. That would seem to be very unfortunate. Have you any suggestion to make as to how that might be remedied. Those conditions exist, as you say. Have you any suggestion as to a remedy for that?—A. What I had in mind personally along this line was this: I could see a picture of two Indian bands small bands say of 150 or 200 members close together. Because at one time when the commissioner who was seeing apart Indian reserves came around and he saw fit to grant one band a larger area, and in time they profit from the timber from that area. Another band for some reason was not given the same privilege and while one band could earn \$100,000 from the sale of timber the next band could not get \$10—practically nothing in reality. That is what I had in mind. There are these tremendous inequalities running through the reserve system. There should be some uniformity of recompense for the lands taken away from the Indians.

Q. Take the average reserve that you have in mind, for what is it best adapted, farming land, mixed farming, stock raising?—A. On the coast very little can be used for farming. There are small exceptions on Vancouver Island and around the mouth of the Fraser river, but if you take the upper coast we have lots of mountains and lots of rocks and lots of Christmas trees and lots of timber, but the timber does not belong to us.

Mr. CASTLEDEN: Do you say that the timber on the reserve does not belong to you?

The WITNESS: The timber on the reserve does.

Mr. WILLIAMS: There are instances where the timber does not belong.

The WITNESS: That is a point I am glad has been mentioned. From 1912 to 1916 a royal commission was appointed to finalize the reserve question in British Columbia. There was equal representation from the dominion government and the provincial government, and I think the chairman was a county court judge or supreme court judge by the name of Judge Whitmore, as I remember. He came from the prairies. They travelled all over the province, and in some instances new reserves were recommended by them and set aside for the use of the Indians. Now, it has come to the knowledge of the people, I think, for the first time, that in some of those reserves—the new reserves that were set apart—prior to them being set apart somebody claimed the timber on them, and to-day the situation is that the land is an Indian reserve but the timber belongs to some lumber company. Now that is the situation on some of the reserves to-day.

By Mr. Gibson:

Q. Mr. Kelly, in case the timber reverted to the British Columbia Crown, is it made available to the Indian now; is the timber given to them as a part of their reserve? Have you any knowledge of that? It is an interesting point. I do not know whether that has ever occurred.—A. It has not reverted.

Q. A great deal of timber land in British Columbia has reverted to the Crown.

Mr. SCOW: Not to our knowledge.

By Mr. Matthews:

Q. You said that the native Indians should be given equal opportunities with other people for employment in the civil service—the Public Works and other forms of public employment; are they not?—A. Theoretically possibly so—

The CHAIRMAN: Actually?

The WITNESS: Actually, no.

The CHAIRMAN: Actually it is a fact. We have an Indian in this department now.

Mr. CASTLEDEN: One out of hundreds.

The WITNESS: Yes.

By Mr. Matthews:

Q. Let us get at that. These positions are advertised and advertisements are stuck up in the post offices, and I do not think you mean to imply that if two Indian young people wished to write the civil service examinations they would be refused to write the examinations; I do not think you mean that?—A. I do not think they would be refused the permission to write, but I think they would be wasting their time.

Q. On what do you base that opinion?—A. I beg your pardon?

Q. On what do you base that opinion, because it is a rather serious matter?—A. Let us be frank about it. I read your records. I read from the record of

the Civil Service Commission saying that all appointments are meritorious. Actually that is not so. I think I read in your minutes where a veteran, Brigadier Martin, states that he applied for a position as Indian agent; a veteran of the first world war, and his application was not even acknowledged. He did not hear from them, according to his statement in the record before this committee.

Mr. FARQUHAR: I did not know that they acknowledged any of them.

The CHAIRMAN: We are encroaching on Mr. Matthew's time.

Mr. MATTHEWS: I do not wish to encroach on anybody's time, I can assure you, Mr. Chairman.

The CHAIRMAN: Would you permit Mr. Hoey to make an answer to that statement off the record?

(Statement by Mr. Hoey off the record.)

The WITNESS: Mr. Chairman, I am sorry to say that according to another instance altogether Brigadier Martin in his statement before your committee pointed out that he referred to an Indian agency, he applied for an Indian agency.

Mr. HOEY: I never heard about that.

The CHAIRMAN: I never heard about that.

Mr. WILLIAMS: He applied for an Indian agency at Hazelton after the first world war.

Mr. HOEY: That is quite a few years ago.

The WITNESS: That is written in your minutes.

Mr. CASTLEDEN: I think there is a misunderstanding there; I think the reference is to his application for another position.

The WITNESS: I hope, sir, that I do not bring before your committee anything that cannot be substantiated.

Mr. MACNICOL: I doubt if I can finish in the course of five or six minutes, so I am not going to ask questions, I am merely going to make statements and if they are not objected to I will assume that the parties concerned agree to what I say. The first one is this, that I understood some of these gentlemen to say that the widow of a white husband should be admitted to the band if she wishes to be admitted. I agree. Was I right in that assumption?

The WITNESS: Agreed. It is the brief.

Mr. MACNICOL: And my next point is that an Indian child of an Indian girl should be admitted to the band if the mother wishes?

The WITNESS: Agreed.

Mr. MACNICOL: I agree to that too.

The WITNESS: It is in the brief.

Mr. MACNICOL: My next point is that the Indians should have representation somewhat after the manner of the Maoris in New Zealand. I agree with what they have in New Zealand. I am very familiar with what they have in New Zealand. I agree with that, but the difficulties in Canada are much different from those in New Zealand, because in New Zealand they are all located in one area. In Canada we would have to have some *modus operandi* whereby there would be a representative for one part of Canada, and another part of Canada, and another part of Canada, but I agree the time has come when the Indians should have some kind of representation. That is something that ought to be worked out.

It was presented very strongly that tuberculosis among the Indians was a terrible scourge. We all agree with that, and we hope some method will be found whereby the effects of tuberculosis can be cut down. I myself have seen that the Indian homes are not constructed properly. They are without base-

ments. Their homes were more or less damp and they were not able to stand the inclement weather. The poor things caught cold and what did they get but tuberculosis. I feel the department will take notice of that and certainly every possible effort should be made to reduce the mortality among the Indians. If that is done then the same results will occur in Canada as have occurred in New Zealand whereby the Maoris have gone up from 30,000 to 80,000 or 100,000 in a short time. If Indian mortality can be cut down there is no reason why the Indians should not go up to half a million in Canada. I think everybody agrees with that.

I would like to have taken time to take up another matter but I will not do it now on account of the hour. I was interested in what Mr. Williams said about the two kinds of chiefs, hereditary chiefs and chiefs by appointment, but at some future time we will get a little further elaboration on that. Two or three mentioned that the Indian was not able to go to the bank and get money. Of course, he has nothing to hypothecate to the bank on the reserve, but I think some means should be found whereby the department itself could act as a bank for the Indians. After an investigation was made and their record found to be good they should be able to get money to start in business.

Mr. BLACKMORE: Hear, hear.

Mr. MacNICOL: I was greatly interested to hear about Chief Scow's son. I might say Mr. Hoey is very warm hearted towards the Indians. He told me privately your son had a fine record. I turned around and asked him why he was not going to school now. He said because of financial reasons. I asked Mr. Hoey if you, who seem to be fairly prosperous, will put up half the cost of sending him for the rest of the term, would the department put up the balance? Mr. Hoey said he would consider it, I presume favourably, and do something worth while. We are all very interested that the Indians should receive higher education. If Chief Scow cannot find ways and means to help his son I am sure the department will be glad to assist. We would like to see him get through.

Something was said about the civil service. I agree with that. Brigadier Martin was mentioned. I am well acquainted with him. He is doing a fine job in Toronto. He has attained the high position of magistrate in the principal county of all Canada, the county of York, the principal one in population and perhaps in educational facilities and the like. Perhaps he would not give that up now but I hope the department will encourage men like Chief Scow's son and other sons of Indians all over the country to go and equip themselves to take service in the department. Indians are in the department in the United States, and I for one feel the time has come when the Indians should have a large place in the administration of Indians affairs in Canada. Why should they not have a place?

I am just about at the end. I do not think I will bother with the other question I had.

The CHAIRMAN: Thank you. Just one moment. Dr. Moore is here.

Mr. HARKNESS: I have not had a turn. Apparently I sat down in the wrong place. There is one question I should like to ask in connection with Indian veterans. The subject was brought up a minute ago.

Mr. CASTLEDEN: I think there are a number of questions. Could we not have a meeting tonight?

Mr. CASE: We cannot sit to-night.

Mr. MacNICOL: I have been out of the House all afternoon.

Mr. HARKNESS: I do not think we should sit again to-day.

I would just like to ask a question on the matter of Indian veterans in British Columbia. Have they experienced any difficulty in getting the \$2,300 grant for the purpose of going into the fishing business or building homes on the reserve?

Mr. WILLIAMS: I do not know where there has been a single case of the \$2,300 being obtained and I have been the business agent of the native brotherhood for three years. Some of the boys have come to me and I can do nothing for them so I send them to the commissioner or to the Indian agent. I do not know of a single case or I should say that none of them have reported to me that they have received it. I do know that some of the boys have obtained boats from their gratuities, but as far as the \$2,300 is concerned I do not know of a single case.

The CHAIRMAN: Well, we have the departmental officials here who can answer that question and as a matter of interest the answer from Colonel Neary is "No, that is not so".

Colonel NEARY: We have the actual figures here together with the names. There is one from Cowichan, \$2,300 for nets and fishing boat. I could give you the names of others.

Mr. CASTLEDEN: How many applications have been made?

Mr. HARKNESS: All I am interested in is knowing whether you have any actual cases in which the veterans have applied for this grant and where it has been turned down.

Mr. WILLIAMS: There is John Jacobson, I believe he is from Ahousat.

The CHAIRMAN: What was that name?

Mr. WILLIAMS: Ahousat, on the west coast of Vancouver Island and he was told that the \$2,300 would be used as the final payment but I believe the boat cost him \$3,000 or \$3,500.

Colonel NEARY: \$5,000.

Mr. HARKNESS: His application was not actually turned down. He was told he could get the boat and the \$2,300 would be used as a final payment but he had to put up the rest?

Mr. WILLIAMS: In the case of the west coast of Vancouver Island they need \$500,000 boats to face the Pacific Ocean. \$2,300 just defeats the purpose and I am certain the honourable gentlemen would bear me out.

Mr. HARKNESS: I brought this up because I am interested in ensuring, as far as the committee is concerned, that Indian veterans have ever opportunity of getting and making use of that \$2,300, if they can qualify for it.

Mr. WILLIAMS: If they could use it as a down payment it would be a great thing for the Indian veteran. After all he has to reestablish himself. He has been away two, three, or maybe five years.

The CHAIRMAN: Could I ask Doctor Moore a question about this hospitalization? Are you through Mr. Harkness?

Mr. HARKNESS: Go right ahead.

The CHAIRMAN: My question has to do with this five-day limit that we heard about to-day.

Doctor P. E. MOORE: (Indian Medical Services, National Health and Welfare): I would like to say no instruction exists which limits any stay in hospitalization to five days. If there have been any instances of this, it has been done locally, without the knowledge of the department. Only today I reviewed a case where we paid a bill for a woman who had been kept in the hospital for forty-five days. It was a case where her medical condition warranted it. There has been some attempt, we do not encourage it, but there has been some attempt on the part of the Indian agents who know the Indians, and, if they have good earning power, they are sometimes asked to pay some share of the bill. That is on a more or less elective basis. At present we are encouraging Indian women to come into the hospital, particularly for the first baby, the primigenous. We are not, by and large, encouraging them to come to hospitals but we do not discourage them. It is a pure question of economy

and in any case where the doctors can predict any abnormality we instruct them to send those cases to the hospital. If it has been a fact that any agent has so conducted himself, Mr. Hoey will substantiate the fact that he has overstepped his authority. If any question arises then the doctor's decision is final. Then if the Indian wants special foods the agent can order them on the doctor's recommendation.

The CHAIRMAN: Thank you very much, Doctor Moore.

Mr. CASTLEDEN: I think Doctor Moore would admit such a thing might happen without his department hearing of it.

The CHAIRMAN: Doctor Moore said that it could happen.

Mr. FARQUHAR: Why do the Indians not take it up with their members and find out from the member just why these things are being done. The Indians in my constituency take up different things with me. Why do you not encourage your Indians to contact their member who will try to help them in investigating and finding out whether these things are being done.

Mr. SCOW: Thank you very much sir, we will have to keep in close touch with Mr. Gibson.

The CHAIRMAN: It is six o'clock, gentlemen, and we have to adjourn. We appreciate very much Mr. Kelly, Mr. Scow and Mr. Gosnell, your coming here. We regret that we have not the time to hear more from you. In this committee we never have time for any witness to exhaust the subject because it is such a vast subject, but we appreciate very much your coming here. I wonder if there is anything else you desire to add, briefly, to what has been presented.

The WITNESS: Does that mean this is the last time you will hear us; this is the end?

The CHAIRMAN: It would seem so. It is the consensus of opinion amongst the committee members we could not meet to-night.

The WITNESS: I noticed in the record, I think roughly 24 of these volumes have been devoted principally to the evidence of departmental officials. I think you should give us a little more time than you have allotted us. You said we would have two days. We have come a long way, and unless we have exhausted all the information we desire to give you, I do not think it would be right to lose us off.

The CHAIRMAN: You see, we have been charged with the completion of this work this year, whether we will do so or not I am not prepared to say, but that is the attempt we must make. We have tried to work out something equitable in order to hear from the Indians. We just cannot hear all the Indians from all over the country.

The WITNESS: That is quite true, Mr. Chairman, but it is 80 years since Confederation and this is the first time this has been done. It might be another 80 years before it happens again.

The CHAIRMAN: There may be an election before the Act is revised and then all our work will be for nothing.

Mr. FARQUHAR: Have you other questions or matters you wished to bring up outside of your brief?

The WITNESS: In connection with the questioning, we had other matters we wanted to work in but we have not had time to do so.

Mr. BLACKMORE: How long would these gentlemen be able to stay? Could they stay over until Monday?

The CHAIRMAN: We cannot see them on Monday because we have other witnesses coming before us that day.

Mr. BLACKMORE: I think there is a good deal of virtue in what they say.

The CHAIRMAN: I think that is true. We found the same thing all through the Maritimes. We just did not have the time to stay and hear all the Indians wanted to tell us.

Mr. BLACKMORE: I do feel ashamed of the time we have spent hearing departmental officials.

The CHAIRMAN: If we did not know anything about the subject, why take time talking to the Indians? We had to have some background material.

Mr. CASTLEDEN: Under the circumstances, in view of the fact the delegation express themselves as feeling they have not had a full opportunity of presenting all they desire to present I should like to move we hold another session to-night.

Mr. BLACKMORE: I second that motion.

Mr. CASTLEDEN: Even if all the members cannot be here, we might still go on and give the delegation a hearing. I would be willing to sit to-night at nine o'clock and I guarantee I will be here.

The CHAIRMAN: Is that agreeable to the members of the committee?

Mr. MACNICOL: I might not be here because I have important business in the House. Before leaving, I want to express my personal appreciation of the intelligent presentation these gentlemen have made. We have heard many delegations but I do not believe we have heard many which equalled you and we have not heard any which have surpassed you in your presentation. What the delegation has said, whether they say anything more to us or not, will be carefully digested and we will be able to ask questions of other delegations based on what you have told us which will, perhaps, bring out what you desire to tell us. We have more Indians coming from British Columbia and perhaps we will be able to get more from them.

The CHAIRMAN: I would also point out that we have devoted to this delegation the equivalent of three days. You see, we usually devote two hours a day to committee work, from eleven o'clock until one o'clock. We have devoted to you three two-hour periods, but we can go ahead with further periods if it is the pleasure of the committee.

Mr. CASE: I think Mr. MacNicol's statement is a substantial one. I think the delegation should carry that with them. They have presented a very substantial case. We have not had time, as yet, to digest it all but I am sure it will assist us. I would join Mr. Castleden in coming back at nine o'clock and permitting the delegation to give us any more information they desire to give.

The committee adjourned at 6.10 p.m. to meet again at 9.00 p.m.

EVENING SESSION

The committee resumed at 9 p.m.

The CHAIRMAN: Come to order, gentlemen.

And now, Rev. Mr. Kelly, Mr. Scow, Mr. Williams and Mr. Gosnell, you would like you to feel free to discuss any subject you think has not been covered at the present time. If you would like to make any statement or discuss any subject we will be pleased to hear you. I believe some of the gentlemen of the committee here now are having other duties to perform in the House and they would like to have a limited time for this evening's sitting.

Mr. CASE: I was going to suggest, Mr. Chairman, I do not know what the gentlemen have to present but I wonder if they could cover what they want to bring up in, say, an hour. I was going to suggest that we allow them an hour in which to complete their presentation and then if the members of the committee want to ask any questions after that they may be free to do so.

The CHAIRMAN: Would an hour be sufficient, Mr. Kelly?

Rev. Mr. KELLY: I think so.

The CHAIRMAN: All right, you just proceed then, if you care to.

Rev. P. R. Kelly, recalled:

The WITNESS: Mr. Chairman, and gentlemen, we have just received a communication from British Columbia which we would like to file with you.

The CHAIRMAN: What is it in connection with?

The WITNESS: It is expressing the viewpoints of the different bands from the northern interior of British Columbia as well as the Fraser Valley. After our convention three of our vice-presidents went up through that area and visited those places and this is a result of their visit. It is in support of our brief.

The CHAIRMAN: Is it the pleasure of the committee to accept this material? Would you care to file it with the committee, Mr. Kelly?

Mr. GIBSON: What about reading it?

The CHAIRMAN: I was going to read it for him; or, do you care to read it.

Mr. CASE: We would have it put on the record?

The CHAIRMAN: I was going to read it to the committee, if you want me to, or the Rev. Mr. Kelly could read it. What is your pleasure.

Some hon. MEMBERS: Go ahead and read it.

The CHAIRMAN: This is from the Native Brotherhood of British Columbia. It is dated at Vancouver, B.C., April 29, 1947. It reads as follows:—

President, Wm. D. Scow,
and Mr. Guy R. Williams,
c/o Rev. P. R. Kelly,
Lord Elgin Hotel,
Ottawa, Ont.

Fraternal Brothers:—Find the enclosed letter for Guy, and the following are resolutions from northern interior.

Resolution No. 1: Moved by Mr. B. Russell, seconded by Mr. Jeffrey Johnson,

Be it resolved that our delegation to Ottawa take up the matter of the most necessary boarding school for the districts of Kitwanga, Skeena Crossing, Hazelton, B.C., with the Special Joint Committee of the Senate and House of Commons, Ottawa, and also with the Indian department. Carried.

Resolution No. 2: By Chief Paddy Isaac, Burns Lake, B.C., seconder, Mr. J. Charlie,

We wish to ask the delegation to Ottawa to consult the Indian department as to what right our Catholic priests have with provincial police, as for us natives, we would rather be co-operative with our white brethren as long as intoxicants is not brought into our reserve; the priests get the provincial police to prohibit the white people from attending our social dances, concerts and bazaars, but do not stop the natives from attending dances and picture shows in town, which is most ridiculous. Mr. Andy Paull has already got \$300 and over from me (Paddy Isaac) and has never helped me, instead he wants another \$25 to take the matter up with Victoria. All Mr. Andy Paull wants is money but I am not giving him any more, so I ask the Native Brotherhood of B.C. to be our representative at Ottawa. Carried.

SPECIAL JOINT COMMITTEE

Resolution No. 3: Stellaco Band, Fraser Lake, B.C., April 21, 1947,

On behalf of my band, I fully approve of the emphasis of the Native Brotherhood of B.C. as reported by Mr. O. D. Peters, we approve and support the brief to be presented to the Special Joint Committee of the Senate and House of Commons, Ottawa; we are not co-operating with any other organization, and will report to my people who are absent from this meeting, and will all join up the next time your delegates tour this district.

Signed CHIEF MOISE ISADORE.

Resolution No. 4: Fraser Lake Band, Fort Fraser, B.C., April 21, 1947,

We fully join the Native Brotherhood of B.C., and on behalf of our children, to attain better education, I want to have day school at our reserve with a good teacher. The reason for asking for a day school, at one time children ran away from the Le-Jack Indian residential school, Fraser Lake, B.C., two have frozen to death while running away, because of the poor care and treatment at the school. We fully support the Native Brotherhood of B.C. brief to Ottawa.

Signed CHIEF MAXIME GEORGE.

Remember that Indian agent Mr. Howe of Vanderhoof, B.C. and Chief J. J. James, Stoney Creek Band, Vanderhoof, B.C. and I also met all the councillors of the Stoney Creek Band and all those above named has never co-operated with Mr. Andy Paull and has no ties of connection with the North American Indian Brotherhood.

And as for the Fraser valley, Chief Joe Hall, Skowlitz Band, Harrison Mills, B.C., is the only one co-operating with Mr. Andy Paull which does not represent the entire tribe of the Fraser valley. The rest of the chiefs are co-operating with the Native Brotherhood of B.C. and are as follows: Chief Felix Williams, Ladner, B.C.; Chief James Point, Musquiem Band, Kerrisdale, B.C.; Chief Alfred Gabriel, Fort Langley, B.C.; Chief James Julian, Gifford, B.C.; Chief James Kelly, Kilgord, B.C.; Chief Henry Stewart, Chilliwack, B.C.; Chief Michael Peter, Chehalis Band, Harrison Mills, B.C.; Chief Harry Joseph, Agassiz, B.C.; Chief John O'Hamel, Ruby Creek, B.C.; Chief Willie George, Laidlaw, B.C.; Chief Harry J. Peters, Squatets Band, Laidlaw, B.C.; Chief Peter Peter Hope Band, Katz, B.C.; Chief Peter Emery, Yale, B.C.; Chief Paul Michael, Boothroyd Band, Boston Bar, B.C.; Chief Henry James, Spuzzum, B.C.; Chief Raymond Dunston, Lytton, B.C.; Chief Tommy Lick Cooks Ferry Band, Spences Bridge, B.C.

The two chiefs below are members of United Farmers. The only chiefs I did not write down are Chief John Hall, Sardis, B.C.; Chief Albert Cooper, Cultus Lake Band, Vedder Crossing, B.C.; Chief Albert Louie, Yokyokious Band, Sardis, fully approves of the brief of the Native Brotherhood of B.C.

Be sure to present this to the special joint committee to assure them that Chief Joe Hall, of Harrison Mills, B.C., does not represent the Stahli Fraser Valley tribe, but only represents his own little band.

Any claimed representation for the Fraser Valley by Mr. Andy Paull is all fictitious, also the same goes for the northern interior as the foregoing part of this letter, are not co-operating with Andy Paull in any shape or form, and I hope this clarifies all the confusion.

We will be all pulling for the three of you, so good luck,

Most fraternally yours,

(Sgd.) O. D. PETERS,
Fraser Valley-Interior
Vice-President

The CHAIRMAN: Now, will you just proceed, Mr. Kelly.

Mr. SCOW: Mr. Chairman, and members of the joint committee, I have here a constitution which I would like to leave with you so that you gentlemen can study it and see the aims and objects of the native brotherhood. This is the constitution that we have altered to and it has only been recently that we have been called upon by the northern and interior tribes of British Columbia as a result of the newspaper which we have published recently. Our district vice-presidents have touched those points and I know they will become members of our organization.

The CHAIRMAN: Is it the pleasure of the committee to accept this constitution and have it put in the records of the proceedings as an appendix.

Mr. CASE: I so move.

The CHAIRMAN: Carried. (Printed herewith as Appendix "EO".)

Mr. SCOW: Now, with regard to the Campbellfish, commonly known as the Oolachan,—

The CHAIRMAN: What do you call it ?

Mr. SCOW: The Campbellfish or Oolachan.

The WITNESS: O-O-L-A-C-H-A-N.

Mr. SCOW: All our people are concerned with this fish, as it is one of their most important foods. They process this fish into oil and they use it as you would use olive oil. Recently other fishermen, I might call them foreigners, have commercialized this fish and our people would like this committee to establish some protection for the Indians.

Mr. GIBSON: You would like it to be reserved exclusively for the Indian use?

Mr. SCOW: Yes.

Mr. CASE: How large a fish is it?

Mr. SCOW: Smaller than a herring.

Mr. CASE: About eight inches long?

Mr. SCOW: About that. Our fishery officer up there has given fishermen permits and they can fish anywhere they want and the result is that people have come and fished right on the Indian reserve in order to catch them.

Mr. GIBSON: Does this apply to all the rivers in British Columbia or just the Fraser river?

Mr. SCOW: Right in the Fraser, and in other rivers.

Mr. CASTLEDEN: Do you mean to say fishermen come into the reserve and fish there?

Mr. SCOW: Yes.

The CHAIRMAN: Now, gentlemen, you know the rules and the practice. I think we will save a lot of time if you will permit the speaker to present what he has to present and ask him questions later.

Mr. SCOW: This matter was brought up at our convention by the Lake Bay district Indians, the Kwawkweth. We discussed it at Massett at the convention and upon my return the Indian agent informed that he had taken it up with the department officials here in Ottawa and he got a favourable reply but it was not enough. It was not satisfactory as far as the Indians were concerned. The limits have been moved out to the seine area, at the present time, for conservation. If this seine area is being maintained then the Oolachans would be restricted right to that area.

Mr. GIBSON: You want the Indians to have the privilege of fishing inside the seine boundaries?

Mr. WILLIAMS: For the information of the members of the committee I believe, unless it has been taken up with the fisheries department very recently, there is no regulation for the conservation of this particular fish as far as we have learned. There is absolutely no regulation for it as there is for other species of fish. Just recently, in the past two years, it is beginning to be commercialized on quite a big scale and I believe there are only nine rivers in the entire coast of British Columbia where this fish runs seasonally.

The WITNESS: In addition to that, I would like to say the run of the Oolachan fish does not last long. The peak of the run probably lasts a week, not any more. In order to catch the fish the Indians have narrow-mouthed nets. They are long tubular things and they fasten them to sticks so when the tide goes down the current brings the fish along and they run into the mouth of the net. If there is anything that they do not want they open the bottom and let it out and it has been working most satisfactorily.

The CHAIRMAN: What do you mean by, "anything they do not want"?

The WITNESS: Anything over and above the amount they want. They take a canoe out and fill it and let the rest go. A seine boat with a seine net, coming in to the mouth of a catch or run at the right time would just about clean up the whole run. There would not be very much left of it and it would, I am afraid, exterminate them in a very short time. I cannot stress too strongly the need for conserving this fish. Conservation regulations would prevent the extermination of this fish and I think the committee should take that into consideration.

The CHAIRMAN: Probably the secretary would take a note of this and we will refer it to the agenda committee and probably we might send a communication regarding what you have told us to the fisheries department so that something may be done immediately. Is that agreeable to the committee?

Agreed.

The WITNESS: The run is over for this year. It starts early in the spring but if you were to take steps now it would prevent the occurrence next spring of what we have been discussing.

Mr. CASTELDEN: Is it a provincial licence that is required?

The WITNESS: A federal licence.

By the Chairman:

Q. This photograph that you have presented here, does that show the fish referred to?—A. Yes.

Q. What do you call them?—A. Oolachans.

Q. What do you use the fish for?—A. Extracting the oil out of them.

Q. It is a substitute for olive oil?—A. Yes, they extract the oil and they also smoke them and dry them for food. It is a food that lasts the year round.

Q. In this picture, how many tons of fish would be shown?—A. In that box probably two or three tons. There is another statement I should like to make in connection with—

Q. Just a moment, would you send us a further written submission on these Oolachan fish?—A. Yes.

Q. I do not see why it is necessary, I think we could refer it to our subcommittee from these notes which we have here, but probably a comprehensive statement by you would be appreciated.—A. We can do that before we leave here and file it with you.

Q. All right, that would be fine.—A. Another matter which we want to stress is hospitals. We refer to hospitals in our brief under the heading "medical treatment". The statement is at the bottom of page 7 in subsection (a). We desire to take a stand in that connection, similar to the one we have

taken in connection with the school question. We feel all hospitals should come strictly under government control.

In British Columbia, along the northern coast, the United Church has three hospitals. They are general hospitals, principally for the Indian people, but they are general hospitals. Dr. Moore, I think will bear me out in that. There is one hospital at Bella Bella, one at Bella Coola and one at Hazelton. The one at Port Simpson has been taken over by the Department of Health and Welfare for the Indians. We feel that, once again, it is not for the church to maintain hospitals. The church came into the hospital work because it was necessary in the early days. Hospitals were established by the churches when no one else was rendering a medical service to the Indians. Of course, more recently, the government has taken over the cost of hospital care for the Indians and a per diem allowance is made for every hospital case.

These hospitals have been practically maintained by these grants from the Indian department. Without those grants the hospitals would not last very long. I think that is a frank statement. I was going to say it is not grudgingly made, either. It is one of the best services which has been rendered. The time has come now, we believe, for these hospitals to be taken over entirely by the federal government under the Department of Health and Welfare. We strongly support that submission.

I have notes here of some comments I was going to make; some of them are couched in rather strong terms. These are personal notes. I am not going to give you the strongest of it, but I will give you some of it.

In connection with the development of our Indian people, we want to substantiate or we want to back up our position in the brief with some of these statements. It has been pointed out by Mr. Gosnell this morning that in Alaska—Metlakatla, Alaska—there is quite an industrial development. This has been stressed a great deal, but that is not the only place where the Indians have developed industries, the salmon fishing industry. For example, a little further north there has been a development around Heidelberg and places such as that.

By the Chairman:

Q. Is that in Alaska?—A. Yes, in Alaska, southeastern Alaska. The Indians have their own business. They have their canneries, they have good sized stores and they maintain businesses just as their white brothers are doing in that part of the country.

I should just like to make this statement. In Alaska, the Indians have outdistanced their cousins to the south of them by leaps and bounds, beyond the expectation of the American government. They were put on their own and they responded to that treatment. In their village life and also living in towns like Ketchikan, they are taking their place with the citizens of that territory in the industrial life as well as the educational life. They are marching everywhere shoulder to shoulder with the other citizens. They realize the value of personal dignity as they have never thought it possible to do before.

I should like to refer to what happens in Prince Rupert, for instance. There, in a theatre, where the price of admission is the same for all, Indian, white or any other race, every Indian who comes into the theatre is given one corner or one section. He is segregated. The effect, psychologically, I think is damaging. Treatment such as that unconsciously breeds an inferiority complex. It seems to be the result of that sort of thing. An Alaskan Indian came into that theatre with his wife. They were very well dressed. He came in and was going to sit down in the body of the theatre. The usher came to him and said, "No, you cannot sit here; Indians do not sit here." He wanted to know why. He was told why. He said, "I appeal to the manager; I am a citizen of Alaska. I have never been treated this way before and I have a right to sit where I please. I

have paid the same admission fee as anyone else." The manager was brought. The manager apologized to him and told him to pick his seat.

Our people have not done that. I was going to say they have been brow beaten to a point where they simply accept those things. I mean to say, personal dignity, somehow, can be just beaten down until it is broken down. I am afraid that sort of thing takes place amongst our people. I have just pointed this out as an instance, but in many ways, in many other things it is revealed again and again.

In my notes I referred to the Philippine Islands where independence was declared in 1946. These people, during the Spanish-American war in 1898 were conquered, but during this short period of time, because they were accepted, they advanced. They were encouraged to do so. The Philippine people proved to the Americans that they had advanced sufficiently to claim their independence. This was granted to them last year. No elective council in the greater part of British Columbia is encouraged. There is none in the whole of the interior of British Columbia. There is not a single council north of Vancouver until we come to the northern villages, none on Vancouver Island. By doing these things, by carrying on their self-government in the villages I believe initiative is developed and encouraged. It is not now encouraged, I think I can truthfully say. It is in the hands of the Indian department to do so. Each Indian agent in each agency has the right to inaugurate elective councils, and among 75 per cent of the native people of British Columbia this is not being done and has not been done.

There is another thing that has been said again and again. I am bringing this out because I believe it does not help the development of one's personality but it acts the other way. I have heard young men and young women who were trying to advance referred to as upstarts and smart-alecks. Even those who were trying to get an education were not always encouraged to go on because they were looked upon as just trying to be somebody that was going to cause quite a bit of worry. Unless one has a very strong character an Indian boy or girl becomes discouraged under such treatment.

Progress has been achieved in commercial and industrial fields because of the pressure of competition. There are many Indians who own their own boats. Some of them are valued as high as \$30,000 or \$40,000 apiece. These exist in villages like Cape Mudge, Alert Bay, Bella Bella, Skidegat, Massett, Port Simpson and up the Nass river, too. Only by the pressure of competition have they advanced along those lines. Without any aid from outside they have taken their place in the industrial field that way, and yet in matters like having any part in government they are denied the right to have any share in it.

I might go on to say in some places they are organizing themselves. Bella Coola, for instance, they have an excellent water system. It was installed with the assistance of the Indian department. The money was put up from the band funds of those people. I think the whole of the money was put up from the band funds of those people. It was installed under the superintendency of a qualified engineer supplied by the department. Very strange as it may seem the Indians now supply water to the white community. They sell water to the white people of that townsite, and it is working very well, indeed.

By the Chairman:

Q. Is it piped out? You say they are selling water. It is piped out?
A. Yes, it is piped right into the houses. They laid the pipes down, and they collect a monthly rental or payments for it. It is working out very well. They also have a logging enterprise and a little sawmill, and are doing very well at it. In Bella Bella there is a small sawmill operated on a co-operative basis and they are doing well.

I am just bringing out these things to show that under pressure of competition and pressure of necessity they have gone ahead, but yet there seems to be

hesitation about giving the many voice in the affairs of the more important things of life.

Once again on the matter of the appointment of Indian agents, an Indian agent has so much responsibility. One man among probably 1,200 or 1,500 or even as high as 2,000 people has the right to say what is or is not to be done. The Indian agent has tremendous responsibilities. Because of that we feel that the choice of those men who go into that office should be made very carefully and should be based on integrity, experience and moral worth as well as academic attainments. He in a measure has the destiny of a people in his hands. He helps to shape them. He either can help them to advance or he can retard their progress. We feel that only those who can submerge their personal wishes and think of the welfare of the people should be appointed to that very important office.

I am probably a little more critical than I need be, or it may appear that way, but these are the things that have been brought up again and again and again in our meetings, at our conventions, and I am simply passing them on to you. There seems to be a theory of a master race over an inferior race which has to be followed. I have heard it said that the Indians cannot think for themselves. Therefore somebody has got to do their thinking for them. I am sorry to say in practice in a great many instances that is borne out. I think I read this quotation some place: "The measure of democracy is the measure of freedom given to the smallest minority group." Unless we hold up that standard among our native people we are not playing fair with them.

Once again in connection with the actual revision of the Indian Act, a great deal of sympathy and understanding will be required for I want to say once more that this will affect the destiny of a race fighting for survival. We feel that where advice is needed, and where the Indian viewpoint can be stressed and interpreted probably a little more clearly we would like to have Indian representation in the work of that committee.

Before this committee, as I said this afternoon, there are twenty-four volumes which contain departmental evidence. It is heavy enough, voluminous enough so it will give you that picture probably with greater clarity than any other picture, the departmental viewpoint. I should like to add my word to what has been said here already by Mr. Williams and others. It might be a good thing to have one come before you who might speak of the defects of that administration, one who has laboured under its handicaps and who has realized that a great deal of improvement is necessary from the viewpoint of an official of that department. I think a viewpoint like that could be very profitably given by an ex-Indian agent or an ex-director of Indian affairs, if one could be brought before this committee. It would be most profitable, I am sure. Before closing this statement I am making I would like to be absolutely fair. It has not always been a dark picture. The department has done some very good work. I do not want the officials here—I do not say it for their benefit—but I do not want them to think that our people are altogether ungrateful. The department in many respects—I mean the Indian Affairs Branch—has done very good work. In my own family the department has assisted by making some grants toward the education of my children as they have done for others, and I am glad to say that one of them who wanted very much to get into the service of this department, but who has not been able to do so—one who has been teaching in Indian schools and in public schools in the province for the last ten years—was approached by the Department of Labour of the provincial government in Victoria, and he has entered the service of the provincial government as an inspector of labour. I am grateful for that. I feel that the department has helped him to attain to a position where he was able to attract notice enough to be offered a position like that. Others, I think, if they would tell the whole truth can say the same thing.

The picture has not always been just as dark as we sometimes lead you to think. There have been some bright spots here and there in the line of development.

Just one more point. You have had some briefs submitted to you—briefs like this one that came to you from the Aboriginal Natives of the Fraser Valley and the Interior Tribes of British Columbia. These briefs were not submitted because the members who submitted these briefs were not members of our organization but because in that letter that was sent out from this committee by Mr. Lickers last year every tribe was invited to submit a brief and that caused a certain amount of misunderstanding; and they began to prepare their local briefs, which was a good thing. It gives you the local viewpoint. This particular brief that was lodged with you—I think it has been written into your record (1947 Appendix BD, page 52)—was approved by our convention and we have given it the stamp of approval because we believe its contents are very good and very useful indeed. We say that about other briefs that have come to you from the members of our organizations. We trust that when you come to deal with them you will deal with them most sympathetically. Now, I think that is all I wish to say, Mr. Chairman.

By the Chairman:

Q. Before we dismiss Mr. Kelly I wonder whether he could tell me something. Mr. Kelly, you remarked on the improvements in the past several years; would you admit there have been any improvements, say, in the last five years?—A. Along just what line?

Q. In the administration of the Indian Affairs branch. Generally, has there been any improvement in the administration and in your relationship with the Indian Affairs branch?—A. I think so. I think there has been an improvement all right. We think there is improvement until an appointment is made that we very much disagree with, as was done recently, and we hope it will not be repeated again. There is nothing against the man, but his experience.

Q. Would you tell me what percentage of the Indian fishermen on the British Columbia Coast are members of the Native Brotherhood—your organization?

MR. WILLIAMS: I would say about 80 per cent, probably more. Why I say 80 per cent is that they are the paid up members in that organization. You always have members who are in bad standing; otherwise it would come to very nearly 100 per cent.

THE CHAIRMAN: Among the fishermen on the British Columbia coast are there any other organizations similar to yours?

MR. WILLIAMS: There is the white organization.

THE CHAIRMAN: Among the Indians?

MR. WILLIAMS: No, there were some years ago.

THE CHAIRMAN: Are there any of the Indians who belong to the white organization?

MR. WILLIAMS: Very few—just one village which has a branch or a local under the white organization, and that is the Kincolith, near the mouth of the Nass river.

MR. REID: I wonder if I could ask a question in the light of the statement which we have just heard from Mr. Kelly?

By Mr. Reid:

Q. Mr. Kelly, I am wondering if you have given any thought of the future and whether you think the Indians should be kept as Indians on the reserves or whether you visualize the fusing of the two races, the assimilation into one unit we are all one entire Canadian nationality. My own view is that with our policy we have made, what Dr. Jenness calls literally, displaced person camps. We set the Indians off there, and the children off there, and we forbid them to go

here and there, in this theatre or the other. Perhaps that policy has been all wrong. We could go on for another thousand years and be no closer to a proper solution of our problem. I am wondering if you have given any thought to a suggestion how we can break that situation down, because to my mind as long as we do that the majority of the people will say, "That is an Indian; that is an Indian reserve", that division will always be there for the next thousand years unless some different and further step is taken beyond the distance we have gone in the past fifty or sixty years.—A. Well, one must of necessity give a great deal of thought to that. I think the Indian reserves and villages at one time served a very fine purpose; they acted as a protection for the people. I believe the time has come when the Indian of to-day has just marched a little past that. The reason we are stressing so much the necessity of Indians attending the public schools of the land is so that the growing generation will meet with the other children and will compete with them—if that term can be used with regard to school life—and play with them; and will develop with them and will think as they do and see as they do. And as they go up I think they will be prepared to take their place in a far better way than the Indian of to-day. And, also, we have been very badly misquoted. Some organizations, the organization which is to appear before you very shortly, have referred to the Native Brotherhood of British Columbia as championing enfranchisement, and have proclaimed a sort of war-cry against our organization because of that. We do not say that. As our brief points out, we would like the Indian to hold on to his aboriginal rights, and not to take all that away from him at one stroke but extend to him the right of citizenship. Only by so doing do we think that gradually if men will go to them—from what I have seen all men who conduct election campaigns, they go to every place; if the Indian has the vote they will go to him; and not only go to him, but they will see that he is properly treated. Now, he cannot engage in a public work of any kind unless there is no one else to do the job. If there were 1,000 Indians and a half a dozen white people the white people would get the job, but if he has any voice he will be treated with equality, and by so doing we believe his better self will come to the fore and be encouraged until he reaches the full measure of manhood. I believe the time will come if it has not arrived already, the reserve life becomes irksome, that they will not be satisfied with that kind of life. I can think of half a dozen, or more, a dozen probably of the boys from our stock from Skidgate, where I belong, who have left their native village and are now living in the cities and earning their way along because there is nothing offered to them in the reserve. That is going to become more general unless industries are established.

And now, I have said far more than I intended to say in reply to your question, Mr. Reid. I do not know what my fellow delegates will think about that.

The CHAIRMAN: This period as you know is devoted to the time of the delegates. If there is any statement which any other members of the delegation would care to make, any remarks which they would care to make, we would be glad to hear them now.

Mr. WILLIAMS: I would like to make a short statement and it might be better to keep it off the record because it is personal.

The CHAIRMAN: Just one moment; is it the pleasure of the committee to have this off the record?

Some Hon. MEMBERS: Agreed.

(Mr. Williams' statement continued off the record.)

Mr. MATTHEWS: I am sorry, Mr. Chairman, but I have another engagement and will have to leave. May I say that this last hour has given great encouragement to the committee. I appreciate very much what has been said;

and I want to say further that to my mind this matter of the young man having been turned down by the bar of British Columbia should find a place on the record.

Mr. CASE: I was going to say, Mr. Chairman, with due respect, I do think that Mr. Williams statement should have been on the record, for that is good advice for all of us. If there is such a thing as assimilation possible in our association with each other that was a perfect example. You have been quite satisfied with it?

Mr. WILLIAMS: I have been quite satisfied with it. In fact I find pride in the fact that my children are able to mix with other nationals. And may I add, Mr. Chairman, that my girl in a class of 48 on the Christmas examinations came sixth and never has been lower than ninth. My boy has attended three years and his lowest standing has been fourth. It has been mostly second, but he has never made the top grade. I am not saying that my children are above normal Indian children. They are just average children and they are getting on and they are competing in the classroom with other nationals. That should be of benefit to all Indian children. In a short time they emerge side by side with white folks.

Mr. GIBSON: Mr. Chairman, as you know I am from the British Columbia coast. I just want to take the opportunity of expressing to this very distinguished British Columbia Indian delegation who have come down here a word of appreciation for the very able manner in which they have presented the case for the British Columbia coast Indians. I am very familiar of course with all of them. They are all personal friends of mine and I am quite sure that they have given very good representation to the people who sent them down. I want to thank them.

The CHAIRMAN: Thank you, Mr. Gibson. Now, gentlemen of the delegation is there anything that you would like to suggest to this committee other than what you have already suggested; any recommendations that you would care to make or any impressions which you would care to express at this time. We want you to feel free to make any comment at all. We want you to feel when you go home that you have received a good hearing, a fair hearing and a complete hearing.

Mr. Gosnell back there, have you anything you would like to say? If not I would like to express on behalf of this committee our appreciation to you for having come here and having helped us in our deliberations with a view to revising the Indian Act. This is the third sitting we have had to-day. It has been rather a full day. We appreciate the effort you have put into the preparation of your brief. We appreciate your having come here and your able presentation of your case. On behalf of this committee I want to express our appreciation, and in closing I want to repeat what was said in 1946 on June 27 at page 418:

Permit me, in conclusion, to assure all Canadian Indians and everyone interested in their welfare that this committee is doing and will do all in its power to ensure that the forthcoming revision of the Indian Act will, in every sense, be the Magna Carta of the Canadian Indian.

Mr. BLACKMORE: Mr. Chairman, may I ask one question?

The CHAIRMAN: Certainly, Mr. Blackmore.

Mr. BLACKMORE: I will just put this case to these gentlemen. There are two ideas in respect to the organization of the education of the Indian. One of those ideas is that there should be a departmental, or shall we say an Indian departmental organization for the education of the Indians. There should be a curriculum designed by the Department of Indian Affairs at Ottawa for the use of Indians throughout Canada and it should be used. Inspectors would be

appointed by Ottawa to visit the schools which would be maintained by the dominion government.

Now there is another point of approach or another type of approach and I gathered from an expression that was dropped by one of you that you had given some thought to the idea. The idea would be this. In British Columbia your Indians would simply fit in with the British Columbia people and would come under the same curriculum as that of the province of British Columbia and your schools would be under the direction of the province and they would be inspected by inspectors of that province. Now in order to have that brought about you would have to decentralize, or you would have to delegate to the province of British Columbia part of the burden of Indian affairs and that would have to be done with each of the provinces. Now the question I would like to ask of you is which one of these methods of organization would you be inclined to favour; the building up of an Indian curriculum for use all across Canada and the administration of your school system from Ottawa, or, the decentralization of the organization and control or supervision, so that each province would take over the education of the Indians, all operating under the general supervision of Ottawa. Had you given that matter any thought Mr. Kelly?

The WITNESS: We think that however well our system is prepared, that is to say by the Indian department, directed from here, it would still be, in a measure, a segregation.

Mr. BLACKMORE: That is my opinion.

The WITNESS: We think a system worked under the province would help the people to advance more rapidly and we are in favour of that.

Mr. BLACKMORE: You are in favour of that.

The WITNESS: Yes.

The CHAIRMAN: Thank you very much gentlemen, the committee is now adjourned.

The meeting adjourned at 10.15 p.m. to meet again on Monday next, May 5.

APPENDIX EO

BY-LAWS OF THE NATIVE BROTHERHOOD OF BRITISH COLUMBIA

NAME

1. The name of the Association is "The Native Brotherhood of British Columbia".

MEMBERSHIP

2. The membership shall consist of,—

- (a) All those who are Indians as defined by the "Indian Act", being chapter 98 of the Revised Statutes of Canada, who are now members of that Association known as "The Native Brotherhood of British Columbia", and all such Indians who shall make application for membership in the Association and in a Branch Association, and whose application shall have been accepted, and who shall not have ceased to be members (hereinafter called "Members");
- (b) Such other persons as the Executive shall admit to membership (hereinafter called "Associate Members").

3. Any person desiring to become a member of the Association shall submit his application for membership to the Secretary in the form approved by the Executive, together with such evidence as the Executive may require of the applicant's qualifications, and accompanied by the annual membership fee for the current year.

4. The annual membership fee shall be Five Dollars (\$5.00) and shall be payable to the Treasurer on or before the 1st day of May in each year.

5. Any member of the Association may resign such membership.

6. Any person who ceases to be a member of the Association shall thereupon cease to be a member of any branch thereof.

7. The members in convention shall have power to confer life membership upon any member or associate member, provided that there shall not, at any one time, be more than twenty-five (25) life members. No life member shall be required to pay any annual dues.

8. The Executive shall have power to confer an Associate Membership upon any person who is prepared to join a branch of the Association as an Associate Member, and who has been approved by such branch, if the Executive is satisfied that such proposed member is sincerely interested in the welfare of the Association and its members.

9. The Executive shall have the power to terminate the membership of an Associate Member at any time.

10. Associate members shall have no voting power and shall not be entitled to hold office in the Association.

OFFICERS AND THEIR DUTIES

11. The affairs of the Association shall be carried on by the Executive and those appointed or designated by it for that purpose.

12. The Executive shall consist of the President, the Vice-Presidents, the Secretary, the Treasurer, and the Chairman of the Legislative Committee.

13. The duties of the members of the Executive shall be as follows:

- (a) The President shall be the general presiding officer, and as such will, when he is present, preside at all meetings of the Executive and at the conventions of the Association, and shall direct the policy and affairs of the Association in accordance with the objects of the Association and the direction and rulings of the Executive and the Association.
- (b) The Vice-Presidents shall each act as organizer of branches of the Association within the district covered by the group of branches by whom he was nominated, and shall keep the President and the Executive informed of all problems which arise in his group, and the President may appoint any Vice-President to act on his behalf and in his absence, and failing such appointment, the Executive may appoint any Vice-President to act for the President in his absence.
- (c) The Secretary shall keep all records of the Association, including minutes of all its meetings, and shall attend all provincial conventions and meetings of the Executive.
- (d) The Treasurer shall keep all financial records of the Association and shall receive all moneys of the Association and shall deal therewith in accordance with the directions and instructions of the Executive.
- (e) The Chairman of the Legislative Committee shall preside over the Legislative Committee.

ELECTION OF OFFICERS

14. The members of the First Executive, who shall hold office until their successors are appointed, shall be:

President, Alfred Adams, Massett, B.C.

Vice-Presidents, Johnson Russ, Northern Coast District, Greenville, B.C.; Wallace Morgan, Northern Interior District, Kitwanger, B.C.; Caleb Williams, Central Coast District, Bella Bella, B.C.; William D. Scow, Alert Bay District, Alert Bay, B.C.; Frank Assu, Southern Coast District, Quathiaski Cove, B.C.; August Murphy, North West Coast District, Nootka, B.C.; Tom Shewish, South West Coast District, Alberni, B.C.; Oscar Peters, Lower Fraser District, Katz, B.C.

Secretary, Herbert Cook, Alert Bay, B.C.

Treasurer, Timothy E. Moody, North Vancouver, B.C.

Chairman of the Legislative Committee, Rev. P. R. Kelly, Ocean Falls, B.C.

15. Save as herein otherwise provided, the Executive of the Association shall be elected at each annual convention and shall hold office until the election of its successors.

16. Nominees for the offices of President, Secretary, Treasurer and Chairman of the Legislative Committee, shall be made by the delegates at the annual convention. Each delegate may nominate one member in good standing for each office.

17. Each delegate shall be entitled to nominate at the convention for the office of Vice-President of the Association, one member in good standing of the Association who is also a member in good standing of a branch association in

the group of branches or district which includes that branch of which such nominee is a member.

18. The elections for the Executive shall be held in the following order: President, Vice-Presidents, Secretary, Treasurer, Chairman of the Legislative Committee.

19. The number of Vice-Presidents shall be one for each group of branches, and he shall be elected from among the nominees of the delegates representing such group.

MEETINGS AND POWER OF EXECUTIVE

20. The Executive may pass rules and regulations governing its meetings and procedure.

21. The Executive may expel from membership any member or associate member of the Association (including life members) whose conduct is such as, in the opinion of the Executive, is detrimental to the welfare of the Association. Provided, that no member shall be expelled from the Association except after the consideration of his case at a meeting of the Executive, of which such member shall have had at least two weeks' notice. At such meeting the member whose expulsion is under consideration shall be entitled to be heard. Pending such meeting, the Executive may suspend the member from membership.

22. Any member or associate member (including life members) aggrieved by any decision of the Executive expelling or suspending him from membership in the Association, may appeal to the membership at large at the next convention of the Association, and the decision of the convention shall be final.

23. Any five members of the Executive shall form a quorum for the conduct of business.

24. The Executive shall have power to establish one or more Women's Auxiliaries, and the members of such auxiliaries shall have the right to attend the conventions of the Association, but shall have no voting power and no right to hold office in the Association. Any member of a Women's Auxiliary shall pay to the Association an annual fee of One Dollar (\$1.00), payable on or before the first day of May in each year.

25. The Executive may pay salaries to the Secretary and to the Treasurer of the Association, but no salary shall be paid to any other members of the Executive, but the Executive may pay such travelling expenses or other disbursements incurred or made by any member of the Executive upon or in connection with the Association's business as they shall see fit.

26. The Executive may employ any persons which they shall deem necessary to carry on the business of the Association and remunerate such persons for services rendered.

27. The Executive, at its first meeting after the convention at which it is elected, may appoint one or more business agents and may fix their remuneration. Such business agents shall carry out such duties as the Executive may direct, and particularly will have power, subject to the approval of the Executive, to negotiate all contracts or agreements to be entered into by the Association on behalf of its branches or any members or associate members thereof.

28. In the event of a casual vacancy occurring on the Executive, the remaining members of the Executive may fill such vacancy, provided that

in the event of an office of Vice-President becoming vacant, the branches comprising the group represented by such Vice-President shall be given a reasonable opportunity to nominate successors to such office, and the Executive shall appoint the successor for such office of Vice-President from among those so nominated, if any.

29. A resolution signed by all the members of the Executive shall have the same force and effect as a resolution passed at a meeting of the Executive duly called.

30. The Executive shall have power to appoint from among the members of the Association such committees as it may deem necessary for the conduct of the affairs of the Association, subject to the supervision of the Executive, and may designate the powers of such sub-committees. The Executive shall as soon as may be after its election, appoint a Legislative Committee of such numbers as they shall see fit. The Legislative Committee may include persons not members of the Association.

31. The President shall ex-officio be a member of all committees.

32. The Executive may borrow or raise or secure money in such manner as they shall think fit.

BRANCHES

33. The Executive may from time to time establish branch associations of not less than twenty (20) members, and may, for administration purposes, group those branches into groups or districts. The first branches of the Association and their respective groups or districts shall be as follows:

Northern Coast District:

Canon City
Greenville
Kincolith
Port Simpson
Port Essington
Kitselas
Kitkatla
Hartley Bay
Metlakatla
Masset
Skidigate

Northern Interior District:

Kitwanger
Skeena Crossing
Hazelton
Kispiox
Morricetown

Central Coast District:

Kitamaat
Klemtu
Bella Bella
Bella Coola
Kemano
Rivers Inlet
Smiths Inlet

Alert Bay District:

Alert Bay
Fort Rupert
Turner Island
Village Island
New Vancouver
Gilford Island
Kingcome Inlet
Quatsino

Southern Coast District:

Cape Mudge
Squirrel Cove
Comox
Kuper Island
Nanaimo
Church House
Chemainus
Duncan
Westholme
Esquimalt
South Saanich
Sechelt
Sliamon

Lower Fraser District:

Sardis
Cheam
Sea Island
Chehalias
Katz Landing

North West Coast District:

Nootka
Ceepeecee
Hesquit
Ahousat
Clayquot

South West Coast District:

Alberni
Dodgers Cove
Sarita
Ohist
Ucluelet

34. The Executive may confer upon a branch association such powers, not exceeding the powers of the Association, as they shall see fit.

35. A branch association shall pay to the Association the sum of Ten Dollars (\$10.00) upon receiving its Charter.

CONVENTIONS

36. The Association shall hold a convention at least once in each calendar year, at such time and place as may be designated at the previous annual convention, or failing such designation, as may be designated by the Executive.

37. Each established branch association shall be entitled to send two delegates to each convention, each of whom shall be entitled to one vote in respect of all matters arising at the convention. No member other than a delegate or his proxy shall be entitled to vote at a convention.

38. The names of the delegates shall be delivered to the Secretary in writing not less than seven (7) days prior to the annual convention, and delivered to the Secretary in writing forty-eight (48) hours before the opening of any other convention.

39. The Executive may appoint any member to be the Recording Secretary for the annual convention, and such Recording Secretary shall keep a record of the proceedings and minutes of the convention, and will hold office only during the convention in respect of which he is appointed. In the event of such appointment, the Secretary need not himself keep such record or minutes.

40. The Executive may call a convention of the Association at any time that they think it necessary to do so, and shall call a convention upon the written request of the majority of the Vice-Presidents.

41. Thirty (30) days' notice of every convention shall be given to the members and associate members by posting at Vancouver, British Columbia, written notice thereof to the Secretary of each branch association, and a notice so posted shall be deemed to be duly given to each member and associate member of the Association who is a member of the branch to which such notice is so posted.

42. Delegates representing fifty per cent (50%) of the branch associations and present in person shall form a quorum for the conduct of business at a convention of the Association.

43. Any delegate unable to attend a convention may appoint a member to be his proxy. All proxies shall be filed with the Secretary before the opening of any convention at which they are to be used.

44. Voting at a convention shall be by show of hands or by ballot, as the Convention may decide prior to any vote being taken. Unless otherwise decided the vote shall be by show of hands.

BARGAINING AGENT

45. The Association, through its Executive, shall have power to enter into contracts on behalf of its branches and its members and associate members, or any of them, covering the terms and conditions of employment of the members and associate members of the Association and the remuneration to be paid herefor, and covering the terms and conditions of the sale or disposal by the members and associate members of the Association of any of their produce and the price thereof, and the members and associate members of the Association shall be bound by any such contracts so entered into by the Association or the Executive on their behalf, and agree with the Association and the other members hereof that they will abide by such contracts and the terms, conditions, remuneration and price fixed thereby.

46. The Association, or any business agent or other person appointed or employed by the Executive of the Association for that purpose, shall be the bargaining agent of the members and associate members of the Association.

SEAL

47. The Association shall have a seal, the form of which shall be adopted at the first meeting of the Executive and the seal shall be affixed only in the

presence of such officers as the Executive shall designate for that purpose. Failing such designation, by the President or a Vice-President, and the Secretary. The seal shall remain in the custody of the Secretary.

BOOKS AND AUDIT

- 48. The Executive shall hold a meeting within seven (7) days of its election and shall appoint auditors for the ensuing year who may be either a firm or chartered accountants or any member thereof, or an auditing committee of not less than three members of the Association who are not on the Executive.
- 49. The books and records of the Association shall be open to inspection by any member at any reasonable time at the office of the Association, or such other place as the Executive may decide, and such books shall be audited each year as of a date not more than one (1) month prior to the date fixed for the annual convention, and the auditor's report, balance sheet and statement of receipts and disbursements shall be presented to the annual convention and be available for inspection thereat.

ALTERATION OF BY-LAWS

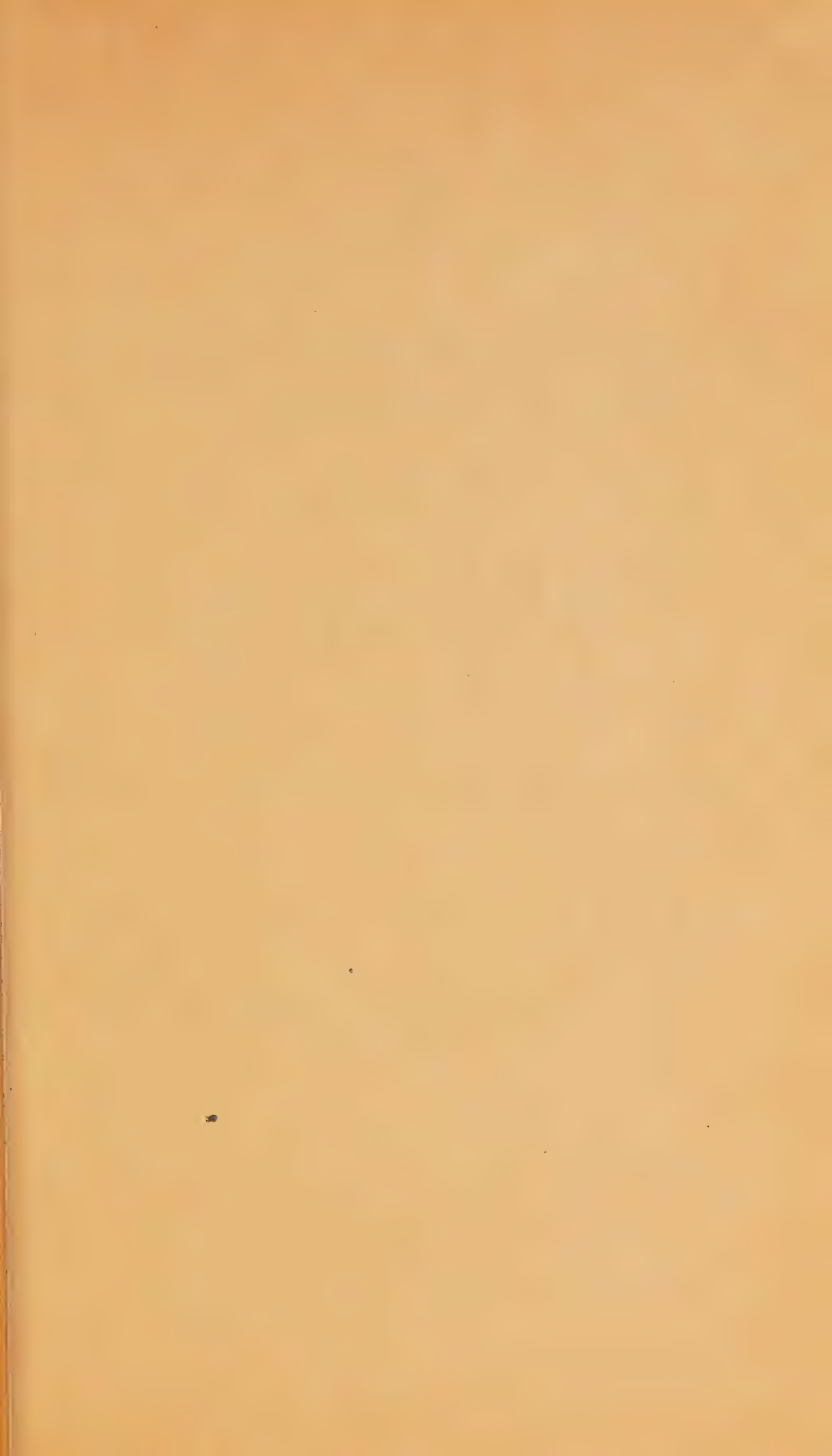
50. By-laws may be altered or added to by any extraordinary resolution as defined by the "Societies Act".

Dated at the City of Vancouver, in the Province of British Columbia, this 8th day of January, A.D. 1945.

ALFRED ADAMS.
FRANK ASSU.
WM. D. SCOW.
ANDREW PAULL.
OSCAR D. PETERS.

OFFICERS OF NATIVE BROTHERHOOD OF BRITISH COLUMBIA
ELECTED APRIL 7, 1947

- President Chief William D. Scow
- Vice-Presidents:
 - Interior District Mr. Charles Patsy
 - Central District Mr. Caleb Williams
 - Alert Bay District Mr. James Sewid
 - Alert Bay Mr. William Mitchell
 - South District Mr. Thomas Shewish
 - Lower Fraser District Mr. Oscar Peters
 - Pemberton and Lillooet District Mr. William Pascal
 - North-western District Mr. Moses Smith
- Secretary-General Mr. Herbert Cook
- Treasurer Mr. Oliver Adams
- Recording Secretary Miss Stella Jeffrey
- Southern Business Agent Mr. Edward Nahaney
- Northern Business Agent Mr. Ivan Adams
- Chairman (Legislative Committee) . . Reverend Mr. Peter Kelly
- Negotiating Committee:—Mr. Reginald Cook, Mr. Oscar Peters, Mr. Johnson Russ, Mr. Caleb Williams, Mr. Guy Williams.
- Legislative Committee:—Reverend P. R. Kelly (Chairman), Mr. William Beynon, Mr. William Scow, Mr. Guy Williams, Mr. Oscar Peters.
- Delegation to Ottawa:—Mr. William Scow, Reverend Mr. P. R. Kelly, Mr. Tom Gosnell, Mr. Guy Williams (Unaffiliated district of Province).
- Financial Committee:—To be chosen by incoming officers.



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(SESSION 1947)



SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPOINTED TO CONTINUE AND COMPLETE THE
EXAMINATION AND CONSIDERATION OF THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 18

MONDAY MAY 5, 1947
TUESDAY, MAY 6, 1947

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY

1947



MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

MONDAY, 5th May, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 11 o'clock a.m.

Presiding: The Joint Chairman, Mr. D. F. Brown, M.P.

Present—The Senate: The Honourable Senators Fallis, Johnston, Macdonald (Cardigan), and McKeen—4.

The House of Commons: Messrs. Brown, Bryce, Case, Castleden, Farquhar, Gariépy, Gibson (Comox-Alberni), Harkness, Matthews (Brandon) (Vice-Chairman), MacNicol, Reid, Richard (Gloucester)—12.

In attendance: (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; and Messrs. MacKay, Neary, Phelan, Jones, Patrick; also Reverend Father J. O. Plourde, OMI.; also (From North American Indian Brotherhood): Messrs. J. Delisle, Jr., Caughnawaga, Vice-President; Henry Jackson, Secretary; Telford Adams and Charles H. Canadian; (From Native Brotherhood of British Columbia): Messrs. Scow, Kelly, Williams and Gosnell. Also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer.

The Chairman made a statement in regard to what had been done by the Indian Affairs Branch, in co-operation with the Department of Fisheries with regard to oula-chan fishing on the B.C. coast.

It was reported by the Chairman that owing to circumstances beyond his control (a train wreck) Mr. Andrew Paull, President, North American Indian Brotherhood, could not be present for at least twelve hours to present a brief on behalf of the organization of which he is President and that in the meantime the other accredited delegates of that organization (Chief Tom Jones, Cape Crocker, Ontario and Mr. Norman Saylor, Montreal) did not feel prepared to make any submission to the Committee.

After some discussion, it was agreed that the only alternative was to adjourn until 11 o'clock a.m., tomorrow, Tuesday, 6th May.

HOUSE OF COMMONS,

TUESDAY, 6th May, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 11 o'clock a.m.

Presiding: The Joint Chairman, Mr. D. F. Brown, M.P.

Present—The Senate: The Honourable Senators Blais, Horner, Johnston, Macdonald (Cardigan), and Taylor. (5).

The House of Commons: The Honourable Mr. Glen and Messrs. Blackmore, Brown, Bryce, Castleden, Case, Farquhar, Gariépy, Gibson (*Comox-Alberni*), Harkness, MacNicol, Matthews (*Brandon*), (Vice Chairman), Reid. (13).

In attendance: (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; T. R. L. MacInnes, Secretary; B. F. Neary, MBE., Superintendent, Welfare and Training; D. M. MacKay, Commissioner, Indian Affairs, British Columbia; H. M. Jones; C. Roberts; G. Armstrong; D. H. Russell; George Patrick; (From Department of Mines and Resources): Mr. W. J. Ford Pratt, also Reverend Father J. O. Plourde, O.M.I.; also Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer; (From North American Indian Brotherhood): Andrew Paull, Vancouver, President and Mr. Norman Saylor, K.C., spokesman for Maritime Provinces; (From Sarnia): Kenneth Plain and Telford Adams; (From Caughnawaga): Jos. Delisle, Jr.; Charles Canadian, Andrew Marquis; Tom Laferre; (From Cape Breton Island): Ben Christmas; (From Restigouche, Que): Chief Dan Basque and Jos. Basque; (From Village Lorette): Albert Vincent, Albert M. Sioui, Marcel Bastien; Paul Sioui; Paul E. Picard; (From Walpole Island): Marsin Wrightman; Lalieu Kewayosh; Henry Railwy; Allen Isaacs; Solomon Keyawosh; Corlie Jacobs; Wellington Jacobs.

Mr. Bryce presented the sixth report of the subcommittee on agenda and procedure and moved its adoption. (For text of Report, see Minutes of Evidence).

The Chairman made a statement with regard to the time to be allotted to representatives of the North American Indian Brotherhood.

Mr. Andrew Paull, Vancouver, B.C., President, North American Indian Brotherhood, was called, made a brief statement and introduced Mr. Norman Saylor, K.C., Montreal, who would make a preliminary statement.

The Committee adjourned at 1.00 p.m. to resume at 9.00 p.m., this day.

EVENING SESSION

The Committee resumed at 9.00 p.m.

Presiding: Mr. D. F. Brown, Joint Chairman.

Present: The Senate: The Honourable Senators Blais, Johnston and Taylor. (3).

The House of Commons: Messrs. Brown, Brunelle, Bryce, Case, Castleden, Farquhar, Gariépy, Harkness, Little, MacNicol, Reid, Richard (*Gloucester*) (12).

In attendance (as at morning session), also Mr. D. F. Fulton, M.P.

Examination of Mr. Saylor, K.C. completed and Mr. Saylor was thanked by the Chairman for the assistance he had given the committee.

Mr. Andrew Paull, recalled, made statements supplementing briefs filed previously with the Committee and which have been printed into the record.

Mr. Andrew Paull completed his statement and was thanked by the chairman for the help he had been to this Committee in its deliberations.

The Committee adjourned at 11.05 p.m., to meet again on Thursday, 8th next, at 11 o'clock a.m.

T. L. McEVOY,
Clerk of the Joint Committee

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

May 5, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 11.00 a.m. Mr. F. D. Brown, M.P., (Joint Chairman) presided.

The CHAIRMAN: Could we come to order, ladies and gentlemen, please. Before we proceed with the business of the day I wish to refer to some evidence that was given last Friday by representatives of the Native Brotherhood of British Columbia. There was evidence given by Chief Scow on that date with regard to a certain fish called Oulachan, O-U-L-A-C-H-A-N, and Chief Scow said:

All our people are concerned with this fish, as it is one of their most important foods. They process this fish into oil and they use it as you would use olive oil. Recently, other fishermen, I might call them foreigners, have commercialized this fish and our people would like this committee to establish some protection for the Indians.

There was other evidence given in connection with this fish.

Mr. REID: What correction are you making there?

The CHAIRMAN: I am not making any correction there but I am making a statement as to what has been done by Departments concerned. I have looked into this matter, and you will remember that I said we would have it referred to the Indian Affairs Branch at once in order that we might do something for the B.C. Indians in the matter of protection of their interests. I communicated with Indian Affairs and I have found the following:

"April 8—A telegram was received from the Indian agent, Alert Bay, B.C. reporting commercial fisherman operating seine net at mouth of river running through Indian reserve at head of Knight Inlet, affecting Indian food supply of Oulachan and seeking establishment of mile inlet for approach of nets to river mouth.

April 9—Departmental memorandum reports an interview with director of western fisheries, department of fisheries.

Result—instructions being telegraphed to fisheries officer at Nanaimo, B.C. to have temporary regulations put into effect preventing further seining for oulachan in questioned area.

April 9—There is a telegram from director Indian affairs to Indian agent, Alert Bay, reporting fisheries department action to prevent oulachan fishing within reasonable distance from mouth of Knight Inlet.

Also on same date there was a letter from department of fisheries to Indian affairs branch explaining action taken to secure telegraphic report on oulachan fishery conditions at Knight Inlet.

April 11—A letter from department of fisheries to Indian affairs branch reports temporary measures taken and permanent proposals being considered to protect oulachan fishery at Kingcome and Knight Inlets.

April 19—A letter from Indian agent, Alert Bay, to Indian affairs branch expresses appreciation for action taken re oulachan fishery at Knight Inlet:

'Your action has had the desired effect and for your information I enclose you, herewith, copy of wire which has been received by the local fishery officer from his department in which you will note commercial oulachan fishing operations ceased forthwith until May 15.'

Further suggestions were offered for review when new regulations are being considered."

I am merely showing what has been done. Apparently this action was not known to the British Columbia Indian delegation when they appeared before this committee on Friday.

Mr. REID: You will remember, when we were discussing the matter of these fish, I suggested the matter was rather involved and if the committee was going into complaints regarding fishing it would be advisable to call some official from the fisheries department. I said at the time that most of the statements made could be answered. I think that we quite rightly decided to let the matter stand over, but later, perhaps, it might be well to call someone from the fisheries department. These questions can all be answered but they appear difficult at first, especially to those who are not aware of the fishing conditions on the British Columbia coast.

The CHAIRMAN: If there is any necessity I think we could have it referred to the steering committee for consideration.

Mr. REID: I myself drew the attention of the committee to the fact that Indians were not restricted in the matter of fishing licences. All Indians in British Columbia can go to the department of fisheries and obtain a fishing licences. The statement was made that they were restricted and you will remember that I said "Well, you do not mean the fisheries department, you mean the canneries will not give you nets". That is a different matter entirely, and that has nothing to do with the dominion government. Any Indian can go to the fisheries department and obtain a licence.

Mr. CASTLEDEN: The fact remains that licences were issued to commercial fishermen for seining, and seining was done along that shore.

The CHAIRMAN: We have this report which shows what has been done to prevent that being done by others than Indians.

Mr. CASTLEDEN: I think it would be well for us to see that the permanent proposals are carried out.

Mr. CASE: I think Mr. Kelly had some knowledge of these steps but they are seeking to correct the matter in a permanent way.

The CHAIRMAN: This memorandum which I have read shows what action the Indian Affairs Branch has taken to stop further activities until at least May 15th. However, this is not what we are here for to-day.

We are here to hear the North American Indian Brotherhood. You will recall that when they appeared before this committee in June, 1946, as a matter of courtesy we said that we would hear them at a later date, although we had devoted two meetings to them last year. We said we would give them an opportunity of preparing their brief and making a presentation at a later date. We are now according them that privilege. We have permitted representation from them to name three delegates to represent the western provinces, the central provinces, and the maritime provinces. We were informed that the representatives would be here to-day. By the way, the North American Indian Brotherhood is an international organization, not solely Canadian. It comprises various members scattered throughout Canada. The accredited representatives are: Mr. Andrew Paull, who is the president, representing the western provinces; Chief Tom Jones, from Cape Croker, Ontario, representing central Canada; and Mr. Norman Saylor, representing the maritime provinces. I should have made it

clear that these three gentlemen represent the members of the North American Indian Brotherhood of the maritime provinces, the central provinces and the western provinces.

Mr. CASTLEDEN: A point of privilege, Mr. Chairman. I believe they call themselves the North American Brotherhood of Canada, as they are a Canadian branch of the North American Brotherhood.

The CHAIRMAN: None of the letterheads state that, and none of the correspondence states that. The letterhead says "The Grand Council of the North American Indian Brotherhood." There is nothing about Canada, and last year, you will remember, they had several representatives from the United States, at our meeting on June 27th.

Mr. CASTLEDEN: This circular which is here indicates that there is a Canadian branch, but perhaps the vice-president might clear that matter up when he appears.

The CHAIRMAN: This is the first indication I have had that there is a branch of the North American Indian Brotherhood which is purely Canadian. However, I do not think it matters very much. My point is that they are representatives of the Canadian members of the North American Indian Brotherhood. Now we regret that Mr. Andrew Paull is not able to be here. I will read a telegram which has been received from him. The telegram is dated May 3, which was Saturday, and it is sent from Calgary.

Leaving Calgary 8.45 this morning. Delayed twelve hours by freight wreck. Instruct Lickers to contact my colleagues Windsor Hotel early Monday morning. I wanted conference with Jones and Saylor before appearing but if no postponement they can proceed. Wire my train your decision.

(Signed) ANDREW PAULL.

Now apparently Mr. Paull will not be able to be here until this evening so that it will be impossible for him to appear before the committee to-day. We will have a session, however, at 11.00 a.m. to-morrow at which time he will be here.

Now then, we have Chief Tom Jones and Mr. Norman Saylor as the other representatives of the North American Indian Brotherhood.

Mr. CASE: I do not see Chief Tom Jones here. I do not know whether Mr. Saylor is here or not.

The CHAIRMAN: I will also read for the purposes of the record a letter addressed to our clerk from the vice-president of the N.A.I. Brotherhood.

Due to circumstances beyond control, our President Mr. Andrew Paull, is unable to be here this morning to present a brief on behalf of the North American Indian Brotherhood which brief, by previous official arrangement, was to have been prepared and presented by him this morning.

The Brotherhood, through the undersigned, regrets this unavoidable situation, and it would be generally appreciated if your committee would kindly postpone the hearing of Mr. Paull's evidence until the arrival of Mr. Paull whose train from Vancouver is delayed.

Yours sincerely,

(Sgd.) J. DELISLE, Jr.,
Vice-president of the N.A.I.B.

(Sgd.) HENRY JACKSON,
Secretary of the N.A.I.B.

(Sgd.) Executive Officers:
TELFORD ADAMS,
WALTER SANDS,
GEO. A. CREE.

I wish now to read a telegram from the Caughnawaga reserve addressed to the Chairman of the Joint Committee.

Dear sir, I wish to inform Joint Committee that the Caughnawaga Band of Indians have not authorized anyone other than the Chief Councillor to act as spokesman before Joint Committee.

Also the North American Indian Brotherhood have always in the past tried to act on our behalf so we wish you to know that we do not approve or recognize that Brotherhood.

We can handle our own business.

Kindly inform us a week before time for us to appear before committee.

(Sgd.) MIKE T. MONTOUR,
Chief Councillor.

Mr. REID: From where is that telegram?

The CHAIRMAN: Caughnawaga reserve, near Montreal. The reason for reading the telegram is to show that the North American Indian Brotherhood apparently does not represent the Caughnawaga band, according to the chief councillor. In fairness to the brotherhood, I do not think it is their intention to represent any one particular band. The brotherhood is composed of various Indians throughout Canada and the United States.

Mr. MACNICOL: Was there not a representative from the Caughnawaga Indian reservation at the meeting last year at the same time as the North American Indian Brotherhood were here?

The CHAIRMAN: I think Mr. Delisle was here, and he is here to-day. He is of the Caughnawaga band, but he is not representing the Caughnawaga band. He is a resident there.

Mr. CASE: He is a member of the North American Indian Brotherhood.

The CHAIRMAN: He is a member of the North American Indian Brotherhood, that is right. Chief Tom Jones, is he here?

Mr. JACKSON: He is not here just now.

The CHAIRMAN: Do you know where he is?

Mr. JACKSON: He is at Cape Croker. He cannot get away from the reserve today. He sent Andrew Paull a wire to that effect. Mr. Jones cannot be here today or to-morrow as he is tied up with business at his own reserve. The treaty money is being paid today and to-morrow.

The CHAIRMAN: We have a telegram from Andrew Paull dated May 1.

Leaving to-night. Am trying to have Jones there Monday. Many thanks. (Signed) Andrew Paull.

We assumed Chief Jones would be here.

Mr. CASE: Are you substituting for Tom Jones?

Mr. JACKSON: No.

Mr. FARQUHAR: Is there any other representative here from whom we can hear?

The CHAIRMAN: Is Norman Saylor here?

Mr. JACKSON: He is in the city, but he is not here in the room.

The CHAIRMAN: That being the case, what is your pleasure? Is there anything we can do to-day?

Mr. FARQUHAR: Adjourn until to-morrow morning, I guess.

The CHAIRMAN: This raises another point; if we are devoting to-morrow to this hearing, we must have all this evidence presented in one day, because we can hardly meet on Wednesday, for various reasons.

Mr. CASE: I think that would have to be accepted because we cannot prevent the delay.

The CHAIRMAN: Mr. Saylor is in the city, but he is not in this room. I do not know where he is.

Mr. CASE: Mr. Saylor is waiting for this conference Andrew Paull indicates he desires to have with his people before proceeding.

Mr. MACNICOL: What time will Mr. Paull be here this evening?

The CHAIRMAN: Around six o'clock, p.m.

Mr. MACNICOL: Perhaps we could have a meeting this evening.

The CHAIRMAN: It would be difficult due to the fact that many members wish to be in the House of Commons, this evening.

Mr. CASE: I think Mr. Jackson desires to make a statement with respect to the situation in so far as Andrew Paull and the delegates are concerned.

Mr. JACKSON: I do not think anyone here has any authority to appear before this committee. According to the arrangements made at the last convention—

Mr. RICHARD: We cannot hear.

Mr. JACKSON: Arrangements were made at the last convention of the North American Brotherhood—

The CHAIRMAN: Where was that?

Mr. JACKSON: Here, in Ottawa, that Mr. Paull was to prepare our brief. He has it with him now.

The CHAIRMAN: We have something here. Pardon me, it is only a portion of it, which Mr. Paull asked us to distribute. (See Appendix "EP").

Mr. JACKSON: None of the delegates in the city know the contents of the brief which Paull is going to present.

The CHAIRMAN: In other words, what the brief contains is what Mr. Paull has prepared.

Mr. JACKSON: Yes.

Mr. CASE: Mr. Paull wants a conference with these people to approve of it before he presents it.

Mr. JACKSON: He will be able to do that soon after he arrives.

The CHAIRMAN: I understand there are some 35 Indians up at the Y.M.C.A. now. Mr. Saylor is there talking to them.

Mr. JACKSON: Yes.

The CHAIRMAN: Is the business of this committee to be held up then while they hold a conference.

Mr. JACKSON: Nothing can be done by us without Mr. Paull.

The CHAIRMAN: So long as you understand that to-morrow, between eleven o'clock and one p.m. is the time allotted to present your brief.

Mr. CASE: You can so advise Mr. Paull.

The CHAIRMAN: You see, the members of this committee, Mr. Jackson, while I know it is not any fault of yours, have devoted to-day and to-morrow to hearing any presentation the N.A.I.B. would care to make which would be of assistance to us in revising this Act. We are most anxious to hear the point of view of all Canadian Indians. We have taken great pains to provide a means of hearing that point of view. We should like you to avail yourselves of that opportunity, but you must understand we have to conduct our business in a somewhat orderly fashion. We just cannot run a committee in a disorganized fashion, hearing delegates whenever they desire to be heard. We have to have some pre-arrangement.

I might tell you that the business of this committee is such that we have no appointments available for hearing witnesses until after the 26th of May. As a matter of fact, just this morning, I had to write to one prominent person who could not accept an appointment on the 26th of May to tell him we would have to consider the matter later and let him know some time in June as to when he could be heard.

Mr. CASE: That is principally for the record, because Mr. Jackson, as you say, cannot help it. However, he could carry that message to Mr. Paull and let him know how pressed the committee is for time. There was time allotted to this delegation and we regret they are not here to-day.

Mr. JACKSON: These are circumstances we cannot control.

The CHAIRMAN: That may be so, but last week we had the Native Brotherhood of British Columbia. They came here on notice not any longer than Mr. Paull received. All western delegations were told on March 26th last to prepare themselves to come here after receipt of a telegram which would be sent to them as soon as we were given the names of their accredited delegates. The Alberta representation came all the way from Alberta and arrived here on time, and so will the Saskatchewan delegation.

Mr. CASTLEDEN: It was not Paull's fault they had a wreck.

The CHAIRMAN: I am not suggesting it is, but I do suggest that Mr. Saylor, who is a representative of that organization and is in the city, should at least have shown to this committee the courtesy of being present at the session.

Mr. CASTLEDEN: It is probably due to the fact they are not prepared.

The CHAIRMAN: Then why is he a delegate?

Mr. CASTLEDEN: Why is he a delegate?

The CHAIRMAN: If he is not prepared. Paull has had over a year to prepare, in fact a very long brief of his has been printed on page 829 of our 1946 minutes.

Mr. CASTLEDEN: It has been pointed out Mr. Paull is bringing the new report. Mr. Saylor probably has no authority to appear in that regard.

The CHAIRMAN: Are we to understand that Mr. Saylor does not know anything about the affairs of the association other than what he is told by Mr. Paull?

Mr. FARQUHAR: Has Mr. Saylor been notified directly by this committee?

The CHAIRMAN: Yes, in the same way as other delegates.

Mr. FARQUHAR: How long is it since he received his notice?

Mr. HARKNESS: I do not think there is any use of us sitting here discussing all this. I think we are wasting our time.

Mr. FARQUHAR: I want to know whether they are going to be here to-day, and if not, when?

Mr. HARKNESS: They are not ready to present their material at the present time. I believe the only thing we can do is adjourn until to-morrow morning when they must be ready to present it. There is no use of our sitting here wrangling over details.

Mr. FARQUHAR: I want to know some of the facts in connection with it as to whether these men are at fault. Possibly they are not at fault at all. We want to know.

Mr. HARKNESS: You are not learning anything here. All we are doing is wasting time.

Mr. FARQUHAR: I think we are entitled to some information about it.

The CHAIRMAN: You have asked a question, Mr. Farquhar. I am trying to get you an answer.

Mr. FARQUHAR: Apparently there is objection to my getting that information.

The CHAIRMAN: On March 26, 1947, a preliminary letter was sent to all delegations; on April 29 of 1947 a telegram was despatched to Andrew Paull, President of the North American Indian Brotherhood.

Joint committee requests attendance yourself and other two chosen delegates North American Indian Brotherhood be Ottawa meeting committee scheduled Monday May 5th next. Please acknowledge.

On April 29 we have a telegram from Andrew Paull addressed to the clerk of the committee.

Telegram received please arrange for transportation by wire.

On April 29 there is a wire to Andrew Paull.

Am wiring your transportation will advise you later where go get it. How about Jones and Saylor? Have you notified them as we assume you did. Answer promptly please.

That is signed by the clerk. On April 29 we addressed a letter to the Canadian Pacific Railway advising them to wire transportation, etc., to Andrew Paull.

Mr. CASE: Of course, it is quite evident that Mr. Saylor knows. He is here. I agree with the chairman that Mr. Saylor might have come up here and advised us as to the situation rather than leaving it to someone who is not an official delegate.

The CHAIRMAN: I am now informed that Mr. Saylor is a lawyer. He is an Indian lawyer?

Mr. LICKERS: He is an Indian lawyer.

The CHAIRMAN: He is a lawyer practising in Montreal, so he knows the effect of the demand, I might call it, to attend before a parliamentary committee to give evidence. I am told it amounts to the same thing as a subpoena, but I do not suppose we are going to do anything further about it at the moment.

Mr. REID: I think we should be fair in the matter. All organizations are generally speaking under the control of the president. If you have a number of delegates they cannot appear until the president arrives. If the president says that he does not want them to appear until they have a previous conference they are in duty bound to adhere to that. I think we must be fair to the other delegates who are here. They are representing an entire organization. Andrew Paull is the man who speaks for the whole organization. I would take it he was in control of the delegation. I may be wrong, but ordinarily organizations carry on in that way. I think we have to be fair.

Mr. CASTLEDEN: I believe Mr. Delisle, the vice president, is here. I wonder if he might be heard.

Mr. DELISLE: I should like to say a few words. I am familiar with the correspondence between the president of the North American Indian Brotherhood and the committee. In regard to Mr. Saylor, who is a lawyer in the city of Montreal, Mr. Saylor asked Mr. Paull, through me, if he would be kind enough to send him a copy of the brief on the subjects on which he would be speaking. I regret to inform the gentlemen here that Mr. Paull did not send a copy. Probably he did not have time. This was all rather short in a way.

The CHAIRMAN: What do you mean by "short in a way"?

Mr. DELISLE: Mr. Saylor and all the Indian deputies who are here in the city of Ottawa are now asking that we be allowed to meet our president and discuss this.

The CHAIRMAN: Just a moment. You have said it was short notice. What do you mean by short notice?

Mr. DELISLE: I would say that Mr. Paull is several thousand miles away.

The CHAIRMAN: Do you mean the notice given by this committee was short notice?

Mr. DELISLE: I would not say that. I do not blame the joint committee. I think that the fault rests with our president.

The CHAIRMAN: We have given him a year's notice.

Mr. DELISLE: I would ask the chairman if he would grant us a little time to discuss among ourselves until the arrival of Mr. Paull.

The CHAIRMAN: We will be very glad to give you that but we want you to understand the only time available before this committee is to-morrow. We had arranged to let you appear to-day and to-morrow before this committee.

Mr. FARQUHAR: Mr. Chairman, I think the time is not sufficient. You wired on the 29th. That does not give them very much time to be here from the western provinces. I think possibly they are not so much to blame as we are.

The CHAIRMAN: Mr. Farquhar, you understand they knew about this a year ago. They have had their brief prepared for months. And the warning letter went to everybody on March 26 this year.

Mr. FARQUHAR: Yes, but they have some distance to come.

Mr. CASE: Except for the train wreck Paull would have been here.

Mr. FARQUHAR: A message was sent on the 29th.

Mr. RICHARD: Evidently these delegates meant to meet Mr. Paull here, if Mr. Paull had not been delayed by the train wreck. If he is here this evening why can they not have a meeting this evening and again to-morrow? We could adjourn until this evening or to-morrow.

The CHAIRMAN: That is the only day available.

Mr. RICHARD: Then we will hear them to-morrow?

The CHAIRMAN: I want them to understand the presentation has to be completed to-morrow.

Mr. MACNICOL: Mr. Paull cannot help the train wreck.

The CHAIRMAN: Nobody suggests that he can. What I am saying is in view of the fact there is nobody from the organization prepared to give evidence before this committee to-day we only have to-morrow left according to our schedule, and they must complete their presentation to-morrow. Instead of taking two days they will have one day.

Hon. Mr. McKEEN: If he had got in on time and there had been no train wreck he would have had about two hours for a conference. I understand the train is about ten or twelve hours late. That means they have all evening for conference and the same two hours to-morrow morning, if they appear to-morrow morning.

The CHAIRMAN: They have already asked that they have this evening for a conference on their own.

Mr. CASE: To approve their brief. I move we now adjourn until to-morrow morning.

Mr. REID: Before we rise may I ask this question? My question is can anyone tell us when we will be hearing the American delegates?

The CHAIRMAN: We have had word by telephone only from Mr. MacInnes of the Indian Affairs Branch that Mr. Zimmerman, the Assistant Deputy Commissioner of Indian Affairs for the United States, will be here on Monday next, May 12, at the hour of 11 a.m., unless in the meantime we should get official notice to the contrary.

Mr. REID: Thank you.

The committee adjourned at 11.50 a.m. to meet again on Tuesday, May 6, 1947, at 11 a.m.

APPENDIX EP

THE NORTH AMERICAN INDIAN BROTHERHOOD OF CANADA

The North American Indian Brotherhood of Canada (N.A.I.B.) was organized at the National Indian Convention held in the city of Ottawa, June 5 to 7, 1944.

PREAMBLE

The solemn object and aim of the North American Indian Brotherhood is to give leadership to the Indian Nation within the Sovereignty of the British Crown, a nation, by treaty obligation, under a protective government. It aims to salvage material from the ashes of the past, and thereby awaken the Indian race in the dormant nobility which is, by heritage, rightfully theirs, preserved for them and guaranteed to them by the Proclamation of King George III, 1763. The North American Indian Brotherhood:

1. Will strive to seek national recognition from the Government of Canada of a united Indian Nation as one established body within the Sovereignty powers of the Dominion of Canada.

2. Will extend a welcoming hand to the white race, offering the white race a chance to cooperate with the Indian people in endeavouring to strengthen the bonds of racial unity.

3. Will not by force, violence nor timidity, but peacefully and democratically approach the Parliament of Canada for the establishment of an independent commission to deal adequately and fairly with Indian questions. Therein all Indian recognized constitutional bodies will legally and authoritatively speak and make representations collectively or by individual Indian Communities on any claims or treaty obligations whatsoever as the case may be.

4. Will seek a mediator and arbitrator for any grievance or misunderstanding that may occur or arise between the state and the wards of the state, i.e., the Government of Canada and the Indian Nations of Canada.

5. Will seek to reawaken the pride and dignity of the Indian race, and point out that national unity leads to greater opportunities, greater success, greater achievements, and cultural advancements—surpassing the selfish doctrine of jealousy, prejudice, hatred and individualism which leads to the downfall of a nation.

6. Will seek to restore treaty obligations from the responsible government of the country, entrusted by Royal Proclamation to safeguard the rights and privileges of the North American Indians, reserved under covenant by Royal Consent, the said government to be petitioned for redress for all in full measure, and compensation for all cases of encroachments from the beneficiary Government of the Crown.

7. Will press for amendments or revision or abolition of any portion of the Indian Act where it is necessary for the well being of the Indian Nation of Canada, will press for old age pension to the extent contributed by the Dominion Government. We will also demand the cooperation of the Government of Canada to elevate the living conditions of Canadian Indians, the restoration of trapping, hunting and fishing rights guaranteed by the Proclamation of King George III and subsequent treaties, eliminating as much as possible privation in Indian communities and to assist Indians, economically, physically and spiritually.

8. Will endeavour to organize and establish a national unity across the length and breadth of the dominion, its purpose in unity to serve and advocate progress and advancement for better living conditions and facilities of a better educational system, and a greater degree than heretofore accorded to Indian agriculturists.

9. Will also press the government to provide and erect day schools on Indian reserves where it is necessary so that the 10,000 Indian children in Canada who have no educational facilities will have access to a better chance of attaining higher education and the learning of any of the professions and vocational training to Indian youths who show promise.

10. Will endeavour to promote a greater interest in aboriginal culture. Prove it was never devoid of beauty but always full of respect for life and enriching faith in a supreme and divine Power and principle of truth, honesty, generosity, equity and brotherhood, and the Indian stamped his identity on the very soul and history of the country. The Indian maintains that by denying to him his ancestral heritage and rights the white race is but robbing and cheating itself of a priceless asset to the country as it was made from time immemorial. The Indian is an integral part of the people of Canada.

11. Will steadfastly and earnestly promote the study of ethnology, history, Indian arts, crafts, customs, legends, traditions, music and songs, mythology and teach that there is a life supreme in the great beyond and acknowledge in all science the great mystery of the great Spirit and His supreme dominance over all things.

12. The North American Indian Brotherhood is broad enough in scope to accommodate all requirements of which it was formulated. The uplift of the dispersed, neglected and down-trodden people, the Indian of Canada. This national humanitarian enterprise is on a national scale united in action as one people under one sky. Blessed by one great Spirit in one country to be politically independent and nationally recognized as one people with a will to achieve. With this in view we must stand together, think together, work together, suffer together, as brothers and sisters, and those of us who would serve all that is just and noble we must strive to conquer the many obstacles which may be placed in our way to victory and after we have accomplished uniting a fair representation of our people. Then and only then will the North American Indian Brotherhood of Canada be able to speak authoritatively and become a respected and recognized institution in the Dominion of Canada. It is also true that just as long as the Indian people are contented to sit quietly by and let the dominant white man have all the say they will continue to suffer untold privation, under the economic domination and strangulation of the antiquated and unjust laws of the white man which, if allowed to continue, spell gradual and gentle process of extermination.

13. *Return Soldiers Question*

Your executive committee will demand that the same privileges be accorded to Indian veterans as is given to white people and the said veterans will have the right to the rehabilitation on Indian reserve according to his wishes.

14. Your executive committee oppose a compulsory military service on Indians. We will endeavour at the next session of parliament to have a bill introduced in parliament to exempt Indians in future, should occasion arise for military conflict. We are going to secure the best legal advice for an opinion and from this decision we propose to have a bill passed in the next session of parliament which will definitely exempt Indians in all parts of Canada from the imposition of direct taxation and also indirect taxation.

15. After very serious consideration, having given serious study and investigation to the family allowance legislation of the government, we have sought and received the opinions of legal authorities. We feel that it is incumbent upon us to advise our people that by the provisions of the proclamation of King George III, during the month of October, 1763, and by the provisions of the treaties resulting thereof and also by the provisions of the B.N.A. Act and supported by the decisions of His Majesty's privy council, we do not hesitate to recommend that each and every one of you avail yourselves of the provisions of the Family Allowance Act.

16. We are certain after due study of the law, it will not prejudicially affect our people. We have been given assurances by officials of the government at Ottawa, April 24, 1945, that the family allowance is a contribution by the government which is intended to be in addition to the contractual and legal duty of the crown.

17. We were also given to understand that the beneficiary aids now or to be given to the aged and indigent will be continued as heretofore. Because of the importance of this question we have informed the government of Canada, that irrespective of any action of our people, a final discussion will be conveyed to the government at our forthcoming convention and we have also informed the government that the said convention will ask the government to pass legislation exonerating the Indians of any compulsory legislation in future.

NOTE: Paragraphs 18 and 19 were deferred for consideration until the 1946 convention.

18. We have been advised by competent legal authorities that only nations can make treaties, and that the signators to any treaties are competent and equal one to the other. Because comparable status and the fact that the denial of all rights has hindered and impeded the realization of the rights guaranteed to us by these treaties, it is the desire of our people to be liberated and emancipated so that we can attain the high standard of living.

19. Because of these things and the conditions under which we have lived for many years, we are of the opinion that the time has now arrived when we should demand the full fruits of the British justice promised to our ancestors and that such justice can only be attained by a direct representation to parliament of Canada, by Canadian Indians chosen and elected by Indian men and women in Canada.

20. The Enfranchisement Act of Canada will *not* be applicable to the children of an Indian who becomes enfranchised; for the protection of minors, and the interest of any children whose parents are applying for enfranchisement, the Indian membership of minors be retained until such child becomes of age when he or she can choose their own future status. We are opposed to the enfranchisement of Indians.

The executive committee of the N.A.I.B. wishes to conclude by stating that we verily believe it to be our first duty to secure the comfort, health and well-being of our women whose contributions and sacrifices in this great conflict for justice and freedom deserve great and full consideration.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,
May 6, 1947

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 11.00 a.m. Mr. D. F. Brown, M.P., (Joint Chairman) presided.

The CHAIRMAN: The first item of business is the report of the subcommittee on agenda and procedure.

Mr. BRYCE:

SIXTH REPORT OF SUBCOMMITTEE ON AGENDA AND PROCEDURE

Sessional Program:

Your subcommittee has again given consideration to the schedule of meetings to be held this session.

Unless otherwise ordered meetings will be held as follows:

Tuesday, May 6—North American Indian Brotherhood.

Thursday, May 8, Friday, May 9—Union of Saskatchewan Indians.

Monday, May 12, Tuesday, May 13—U.S. Commissioner of Indian Affairs.

Thursday, May 15, Friday, May 16—Messrs. Neary, Jones, McKinnon, ESO, NWT.

Monday, May 19, Tuesday, May 20, Thursday, May 22, Friday, May 23—Representatives of Ontario Indians: 2 from Six Nations Council; Telford Adams, from Southwestern Ontario; Tom Roy, from Northwest Angle Treaty Indians; Henry Jackson, from far Northern Ontario; 1 representative from Manitoulin Island.

Tuesday, May 27—Delegation representing Roman Catholic Church, headed by His Eminence Cardinal McGuigan.

Thursday, May 29—Delegation from United Church of Canada.

Tuesday, June 3—T. F. McIlwraith, Professor of Anthropology and Head of Department, University of Toronto.

Thursday, June 5, Friday, June 6—Indian Association of Manitoba.

Last session your committee held 25 meetings. Our meeting today is the 27th held this session.

It was stated by a delegate at our meeting on Friday last, that 24 of our minutes had been devoted to the hearing of departmental officials. As a matter of fact, those reports contain 68 appendices, most of which are briefs from Indian bands from one end of Canada to the other. Further, our order of reference instructs us "to investigate and report upon Indian administration in general", and that could only be done by hearing from the officials charged with that administration.

All of which is respectfully submitted.

I move the adoption of that report.

The CHAIRMAN: Any comments?

Mr. CASTLEDEN: I should like to ask a question. Does this complete the schedule? This is not intended as the complete schedule?

The CHAIRMAN: No, it can be varied later on.

Mr. CASTLEDEN: It is just up to the 6th of June?

The CHAIRMAN: We do not intend this to be the end of the sessions.

Mr. CASTLEDEN: Thank you.

The CHAIRMAN: Any further comments? All in favour?

Carried.

We had devoted yesterday and today to the hearing of the North American Indian Brotherhood. You will recall that last year the North American Indian Brotherhood attended Ottawa at the time of their convention, and as a matter of courtesy we extended to them the privilege of appearing before our committee for two sessions.

At that time we advised them that we would be pleased to hear them this year for the purpose of presenting their briefs. On the 26th of March we sent them a further notice of the sessions of the committee and advised them when they could be heard. I should say first that the committee decided that in order to get representation from various parts of Canada that the North American Indian Brotherhood would be requested to have a delegate attend from the western provinces, one from the central provinces, and one from the maritime provinces. In other words, we will hear three delegates. The delegates have been appointed by the North American Indian Brotherhood, namely, Mr. Andrew Paull representing the western provinces, Mr. Tom Jones representing the central provinces, and Mr. Norman Saylor representing the maritime provinces.

In addition to the presentation which they are making today we have their brief which will be found at pages 829 to 844 of the minutes of proceedings of last year. The members of the committee may want to refer to that. Unfortunately yesterday the president of the North American Indian Brotherhood was not able to be here because of a train wreck en route. None of the other delegates were in attendance although later after the meeting had adjourned and most of the members had departed Mr. Saylor did come. He may want to say something today about that. If it is your pleasure I will call on Mr. Andrew Paull to introduce the delegates.

Mr. PAULL: Mr. Chairman, and hon. members of the committee: I want to express my personal regret for the inconvenience caused to the hon. members of this committee by my absence yesterday when I should have been here. I wish you would be kind enough to excuse me from any blame and blame it on the Canadian Pacific Railway system. Because of that, and because of the importance of the matters which I wish to present to this committee, I hope you will allow me sufficient time. I have been studying the Indian question since 1907. Last year you were kind enough to allow me to appear before your committee and speak to you in general terms. I was promised orally and by letter that this year I would be permitted to present arguments, evidence, and so on, and particularize on different subjects. I do not want us to be penalized because of an accident that happened and be reduced to one session.

I understand that your original program was to hear the North American Indian Brotherhood speakers yesterday and today. If you can give us that amount of time I think that is the time that we will require.

I wish to have a name corrected in the report submitted by Mr. Bryce. He has the name there as "Robert Jackson." It should be "Henry Jackson." Will you please have that corrected in your report?

Chief Tom Jones, who was to speak for the North American Indian Brotherhood representing the Indians of central Canada, is unavoidably absent because of the fact the Indian department is paying out the semi-annual treaty money tomorrow. He runs a general store, and he is the chief of those Indians receiving that money. He has to attend to his own personal business. He has to be there.

I make a sincere appeal that Chief Tom Jones be heard at the same time that the Ontario delegates are heard commencing May 22nd. He is from Ontario and he would be together with the other delegates from Ontario.

At this time I am going to introduce Mr. Norman Saylor, a member of the Iroquois nation of Indians, and a member of the Quebec bar. I am going to ask him to speak first. When he is finished then I will present my evidence. I do wish that you will give me sufficient time so that I can faithfully perform my duties to the Indians who rely on me to speak for them. At this time it is my pleasure, hon. members, to introduce to you an Iroquois who is a member of the legal profession in the province of Quebec Mr. Norman Saylor.

The CHAIRMAN: Thank you very much, Mr. Paull. Just one moment, Mr. Saylor. The practice has been that we have divided a stated amount of time so that we may have some order in the presentation. What do you recommend?

Mr. SAYLOR: From my experience in reading the reports I think twenty minutes is allowed to each speaker. Is that correct?

The CHAIRMAN: Not necessarily. We vary that to suit your convenience. We would like to have some order so that members of the committee may have an opportunity to ask questions. How many witnesses will you have?

Mr. PAULL: Just Mr. Saylor and myself.

The CHAIRMAN: Could we say half an hour each?

Mr. PAULL: No, I will take more than that.

The CHAIRMAN: Then what is your pleasure?

Mr. SAYLOR: I will take about an hour depending on the questions.

The CHAIRMAN: I will put it this way. It may be the pleasure of the committee to have a session this afternoon. Usually we have taken the first session for the presentation of briefs and the second session for the answering of questions put by the members of the committee. Is that agreeable to the members of the committee? Any comment?

Mr. CASE: I certainly think we should hear their briefs first, and the question period can be restricted.

The CHAIRMAN: We do want to be fair also to the members of the committee in asking questions. As you remember at the last session we had we allotted only ten minutes each to the members of the committee and we ran two hours, and there were not as many in attendance as there are to-day.

Mr. REID: I should like to draw to the attention of the members of the committee that it might be advisable to meet tonight rather than this afternoon bearing in mind that this afternoon the debate starts on the budget with the leaders of the opposition parties speaking. That might detract from the attendance of the membership of this committee in the afternoon.

The CHAIRMAN: Of course, we must also realize from 8 till 9 there are private bills which are being watched by some members of the committee.

Mr. BLACKMORE: I think we should give these gentlemen all the time they need to present their case.

The CHAIRMAN: Tell us how it can be done then.

Mr. BLACKMORE: Let them take their time and we will see if we can devise ways and means.

The CHAIRMAN: We are limited to to-day. We have this morning until 1 o'clock. We have this afternoon. It has been pointed out that the leaders of the various parties will be speaking in the House. Is it your pleasure to meet this afternoon under those circumstances?

Mr. HARKNESS: Personally I am not likely to be here this afternoon, and I think a large number of other members are in the same situation.

Mr. MATTHEWS: I do not think we should have a meeting this afternoon.

Mr. CASE: How about from 9 to 11 to-night?

Mr. HARKNESS: Agreed.

The CHAIRMAN: Then it is necessary to divide the time to give every member of the committee an opportunity to ask pertinent questions and also give the members of the delegation time. Would you care to allot the time? Shall we say this morning for briefs and this evening for questions?

Mr. PAULL: Mr. Chairman, the Maritime Indians and the Quebec Indians had asked me to instruct Mr. Saylor as to what kind of brief he should present. I did not do that because I wanted Mr. Saylor to speak from his own experience and knowledge and so on. I wanted to leave him free to say what he wanted to say so I did not time him down in the matter of presenting a brief. As far as I am concerned I have insufficient copies of my brief. I have just given it to the stenographer and I will not have it until this afternoon at about 4 o'clock.

The CHAIRMAN: I am awfully sorry, but we are faced with getting the presentation in within a certain allotted time. We gave you that opportunity yesterday. You had months' notices, not a month, but months' notice. We will give you from now until 1 o'clock to present your briefs and from 9 until 11 o'clock to-night to answer questions. That is all the time we can allot to the delegation. We would have allotted all day yesterday but Mr. Saylor was in the unfortunate position of not knowing what he was to present. He will have something to say on that. We cannot help that.

Mr. CASE: With due respect I say to you that we must hear the briefs whether or not we ask them one question.

Mr. BRYCE: Let us go ahead with the briefs.

The CHAIRMAN: Shall we exhaust the briefs first?

Mr. CASE: And if there is any time left we can ask questions.

The CHAIRMAN: How do we divide the time left among the members present?

Mr. CASE: We will find a means.

Mr. SAYLOR: Perhaps I might say something that might help in deciding this matter. What I would like to speak upon, with the permission of this committee, is general matters. I have no written brief to present to you. I have been practising law for twelve years now. Prior to that I was dealing with questions on the Indian Act, and if I may be permitted I should like to convey to you my experience in connection with the application of the Indian Act as it stands today.

Mr. REID: That is important.

Mr. SAYLOR: I have not a written brief.

Norman Saylor, called:

The WITNESS: Mr. Chairman and hon members of the committee: I feel a little bit shy appearing before you this morning. I feel that I was responsible to a certain extent for the unfortunate misunderstanding which occurred yesterday morning. Without going into detail I know that as far as the committee was concerned they expected somebody to be here, and that somebody included myself. That misunderstanding resulted from a lot of other misunderstandings, but I am not going to bore you explaining why it happened. I am sorry for yesterday, and I trust you will accept my apology.

As I have stated in my preliminary remarks I have been dealing with the question of the application of the Indian Act for a considerable length of time.

I started as a student becoming very interested in the Act because I was born on a reserve and still live on a reserve. I have lived amongst the Indians, played hockey, lacrosse, and everything.

During the course of my practice I have found a lot of conflict between the provisions of the Indian Act which, as you know, is federal legislation and the provisions of the provincial laws. One of the important things that occur to me in connection with the administration of the affairs of Indians is the matter of the estates of deceased Indians. Under the laws that exist today the estate of a deceased Indian is administered by the Indian Affairs Branch at Ottawa.

If an Indian dies intestate the superintendent general is the sole and final judge as to who should share in the property of the deceased Indian. At the present time there are difficulties, because not only under federal legislation does the deceased Indian's estate have to make a succession duty declaration but also under provincial law to the province concerned. If it is the province of Quebec you have got to make a succession duty declaration to the Quebec authorities, and so on and so forth throughout all the provinces of Canada.

The question of taxation enters into the matter. Naturally, as you gentlemen no doubt know, the reason why you make a succession duty declaration is for the authorities to find out if the property is sufficiently valuable that the estate may be taxed.

I had an unfortunate experience in the case of an Indian estate where the deceased Indian had a considerable amount of money. It was his own money, his own earnings during his whole lifetime. He was an old man. He had all his money in the bank which was off the reserve because there are no banks or reserves. He had to make a succession duty declaration. The provincial authorities wrote back and said that the estate owed \$6,000 in taxes. In other words, it was absolutely impossible for that estate to get the money out of the bank unless and until the \$6,000 was paid to the government. In my humble opinion I contended at the time that he being an Indian he was not liable to taxation, and it being the estate of a deceased Indian jurisdiction rested with the superintendent general of Indian Affairs.

By Mr. Reid:

Q. Would you mind citing the province?—A. Quebec. As you are probably aware before any money is obtained from the bank or from the proceeds of an insurance policy provincial succession duty releases must be obtained. Otherwise the bank will not give you the money. The insurance company will not give you the money. No trust company will give you the money in case the Indian has money there. That is one of the cases that cropped up in connection with the estates of deceased Indians. I submit, gentlemen, that if parliament intends that an Indian should pay taxes to the provincial government it should be definitely stated in the law. If parliament does not intend that the Indian should pay any taxes I think it should be clearly stated in the law. The Indian does not really know where he stands.

There is a general law in the Indian Act stating that no Indian shall be taxed for real or personal property but despite that the Indian not only in Quebec but throughout all the provinces of Canada has been paying all kind of taxes including succession duty tax, sales tax, luxury tax. I am not arguing about the other taxes which are included in the sales tax. We have in Canada here in the various provinces legislation regarding the sales tax. There again the Indian is obliged to pay taxes to the provincial government. Although frankly, my own experience on the reserve from which I come, if an Indian buys for instance a package of cigarettes he pays 33 cents; and to that extent the government has recognized that the Indian should not pay the sales tax put in force by legislation in Quebec and the other provinces, but if he goes outside the reserve he is taxed.

Further in connection with the question of estates of deceased Indians, I find that the Indian can make a will just like anybody else. It is provided for in the Act, that he can make a will just like any other person. The procedure is to forward the will with an application for letters of administration to the Department of Indian Affairs, or I should say the Indian Affairs branch, which will either approve or disapprove. If the witness approves an administrator is appointed by the Indian Affairs branch, someone is appointed as administrator upon instructions of the Indian Affairs branch. My experience in estates, and I am not casting any reflections on anybody, and as a matter of fact—I don't know what the reason is, but whatever the reason is it should be remedied—this is what I have to say: I have handled estates of deceased Indians since 1935. That is twelve years. Generally the Indian is very, very poor and needs his money if there are any funds in the estate. He has to wait quite a number of years before he can get any funds out of the estate. As I said before, I do not know what the reason is personally I believe the Indian Affairs branch is deplorably understaffed with consequent delays in handling the estates of deceased Indians. You can appreciate in what state the administrative staff of the branch must be when I tell you that there are a number of estates which have been pending for quite a number of years and at the present time they do not seem to be any nearer solution than at the time the Indians died. How long it is going to continue on that way, I do not know. The poor Indian would have come to me and said, when am I going to get my money? I am helpless. I have my own copies of letters on file, but I get no results. As I said before, and I want to make it clear for the purposes of the record, I am not criticizing anybody; but it is the system which should be criticized more than anything else. I think a lot of that could be alleviated by putting a provision in the Indian Act whereby an Indian if he makes a will and if he is in close proximity to a city for instance or a town where there is a judicial district, that the Indian should be able to make a petition to a court in his district to have the will probated. From my experience of the time for probate the necessary authority to proceed would be received back in about three days; however long it took, I can guarantee that it would not take twelve years to work out a disposition of that Indian's property.

Now, regarding that, as I said before, I do not know what you gentlemen think; you are a fact-finding body and eventually you reach the point of submitting a draft revision of the Indian Act. But I submit it is a very, very important matter because of its scope and because of the many Indians throughout this country from east to west. Each province has its own laws, but as regards the estates of Indians, that is governed by the Indian Act; and that would have effect in Quebec, in Ontario, and in all the rest of them. Naturally the Indian who is living out in the woods of the back country does not know anything about succession duties. I do not think that an Indian should be obliged to make a succession duty declaration. I think that it should be within the jurisdiction of the Superintendent General of Indian Affairs in order to centralize the administration of the law with respect to Indians.

There are many other instances where insurance policies are involved in the assets of the deceased. There again the same problem arises. The insurance company says to the estate, well you bring in the release and we will give you the proceeds of the policy. The provincial authorities will say, you must pay taxes. The Indian has to pay taxes. He tries to get the proceeds of his insurance policy and nothing happens. Eventually he is obliged to pay the tax in order to get the proceeds of his policy. The same principle applies to any other assets which may be outside the reserve, let us say, cash or bonds in the safe deposit box of a trust company or an insurance company.

The result of this question is probably not important for the other provinces of Canada but it is important for Quebec. There is in Quebec what is known under the Civil Code as community of property; that is, when a man marries a woman they are in a regime of community of property. That is under the laws of Quebec. In the other provinces that law does not exist; I understand if they marry (in the other provinces) without a contract they are separate as to property, but in Quebec the Indian who marries another Indian is subject to the regime of community of property. There again there is absolutely no provision in the Indian Act regarding estates or the matrimonial regime of the Indian of Quebec.

The CHAIRMAN: Might I interrupt you just one minute?

The WITNESS: Yes.

The CHAIRMAN: Mr. Lickers, our counsel, calls my attention to the fact that in Ontario all property is subject to the right of dower, that is not a matter of contract.

The WITNESS: That is a little different, there we are on community of property. We have dower in Quebec, also community of property.

The CHAIRMAN: I understood you to say there was no right of the widow. I did not just get what you did say there.

Mr. BRYCE: Let's keep clear of lawyers' arguments or we will never get anywhere.

The CHAIRMAN: You mean we would get somewhere but we won't know it.

The WITNESS: What I am trying to get at, gentlemen, is this; I am inclined to agree that probably on the reserve one is in a different position if that title is vested in the Crown according to the Indian Act; and I am inclined to agree that a real property on the Indian reserve does not fall under community of property for the simple reason that the title is vested in the Crown. But an Indian can acquire let us say a \$10,000 home on the reserve and title to that home definitely does not vest in the Crown. As I see it that \$10,000 home which he has built on the Indian reserve according to his marriage status, having been married in Quebec, that home is subject to the community of property law. In other words one-half that home belongs to the wife and the other half belongs to the husband but the husband is the administrator of community property, as you know. Now the situation is different with respect to moveable property; take for instance money or securities or insurance. Property of that type, property which is moveable falls under this rule of community of interest. Now, let us suppose that an Indian living in the province of Quebec makes a will, which he is allowed to do under the laws of Quebec, by virtue of the law of community of property he would not have the right to bequeath by will any more than his share; in other words, a fifty per cent interest. The other fifty per cent interest would belong to the surviving consort. In the administration of the estates of deceased Indians the officials of the Indians Affairs branch, probably rightly so—it is a question which is debatable—have decided that community of property does not exist on the Indian reserve. As I said before, it might exist in so far as it pertained to land the title of which is vested in the Crown, but to my way of thinking it certainly would apply to other properties of the Indian title of which is not vested in the Crown. Gentlemen, you can readily see how important that is. If an Indian has \$20,000 in his estate and he can only give his share away under the community of property law, that is all right; but if he is not under any community of property law he could give away the \$20,000 to anybody else and his widow and his children are not protected. If the ruling goes through and if the Indian estate is governed by the ruling that there is no community of property then I say there is no protection for the surviving consort and the children of that Indian.

Now, of course, that would be going into the legislative authority of the province and the legislative authority of the dominion government, which is a very touchy subject these days, I understand; but that is the situation which arises, at least as far as Quebec is concerned. Now, whether the dominion parliament would have legislative authority to say to the Indians you are going to be separate as to property; that I am not prepared to state at the present time, but it would appear to me that under section 91 of the British North America Act that since the dominion parliament is given legislative authority to legislate concerning Indians on Indian lands I think it might have the right to do so. There is a very interesting decision in connection with the powers of the province and the dominion. The question of law is to this effect; that the Indian is governed by the provincial laws in so far as the dominion parliament has not removed him from the scope of provincial legislation.

The CHAIRMAN: Could we have the citation on that?

The WITNESS: I am sorry, Mr. Chairman, I have not got it with me, but I can certainly supply it to the committee.

The CHAIRMAN: Is that the judgment in the Shawinigan Water Power company case? I wonder if you could give us the citation for the purposes of our record?

The WITNESS: Yes, I will do that, Mr. Chairman.

The import of that decision, gentlemen, is very important.

I come now, gentlemen, to the question of provincial legislation concerning hunting and fishing. As we all know, the provinces have passed legislation concerning hunting and fishing under which they have imposed the obligations on the Indians to obtain licences before they can either hunt or fish. The import of the decision, the citation of which I undertake to supply, is to the effect that the dominion parliament has a right to remove an Indian from the scope of provincial legislation. If that decision is well-founded, and I submit that it might be, it is section 91 of the British North America Act, then I submit that parliament should enact legislation removing the Indian from the scope of provincial laws relating to the payment of licences for fishing and the payment of licences for hunting and any other provincial legislation imposing an obligation upon the Indian to pay tax or to do a certain thing.

Mr. FARQUHAR: Would that be on and off the reserve?

The WITNESS: Anywhere. Now, gentlemen, I don't want to wander, but there are other provisions of the act; for instance, in connection with estates, where the Superintendent General is the sole judge as to the moral character of the widow of the deceased. That is in the case where an Indian dies and leaves his widow and she desires to share in his estate—I think there is a provision in the Act which says, where a widow is of bad moral character she will not get it. There is section 26, too, of the Act which says the Superintendent General, that is the minister, shall be the sole and final judge of the moral character of the widow of any intestate Indian. Gentlemen, I do not know whether you want to leave that power to decide as to the moral character of the widow in the hands of the Superintendent General or within the judgment of the council. My own opinion is this, that the council is closer to the Indian, the council living there is closer and more conversant with the affairs and the difficulties and the troubles and the problems of the Indians.

Mr. FARQUHAR: You mean the Indian council?

The WITNESS: The Indian council. I do not suggest that the minister would render a rash decision. I do not say that. It is simply that there is possibility because of the power given to him, there is a possibility of a decision being rendered not being fair and just. There is the possibility, I think it might be

assumed that there is always that possibility. And once that decision is rendered there is no alternative, there is no appeal. In other words, the surviving widow is branded a woman of immoral character for the rest of her life. I thought I would mention that in passing. One of the delegates questioned here to-day mentioned it to me, he told me about a typical case, and I decided right away that that was one of the things to which I would draw your attention; the section under which these decisions are made, and the section under which the decision was made concerning the particular lady which he had in mind although he told me in that case this widow had happened to build a \$8,000 home, which after all showed that she was at least industrious; whatever else she was, I do not know, that is her own private affair.

Regarding the question of enfranchisement which has been discussed so often here my opinion is this; from my experience in dealing with Indians I find that they object to any form of compulsory enfranchisement. They prefer to leave the question of enfranchisement to the will of the individual Indian. I think that is a sound policy myself, for the simple reason that in my experience, in my dealing with Indians, compulsion in any form is very bad. I propose to speak to you about compulsion in connection with other matters. I think probably better results could be obtained if we leave the element of compulsion out.

Hon. Mr. GLEN: What evidence have you of that, other than your own opinion?

The WITNESS: I have stated merely my own impressions from my own experience and observations from my dealings with the Indians. That is all I have quoted. I have not gone any further than that.

The CHAIRMAN: There is no evidence that there has been any involuntary enfranchisement, is there?

The WITNESS: Now, I want to come to the question of the provisions of the Act relating to the supply of liquor to the Indians—

Hon. Mr. GLEN: Before you leave that question of enfranchisement, is that based on your own general opinion? You have brought the matter up, and I want to know whether you are speaking from your own observations. Have you ever been in meetings where that question was discussed and where that opinion was expressed?

The WITNESS: I have.

Hon. Mr. GLEN: Why didn't you say so then.

The WITNESS: I thought—

Hon. Mr. GLEN: You said, from your own observations.

The WITNESS: I stated, sir, in my opinion, in my dealings with Indians in connection with their various troubles I have come to the conclusion and I have stated that they are against compulsory enfranchisement.

Hon. Mr. GLEN: What I asked you was, had you been at any meetings where that question was discussed and where that opinion was expressed?

The WITNESS: Yes.

Hon. Mr. GLEN: And the decision arrived at by the Indians—?

The WITNESS: That is right.

Hon. Mr. GLEN: Have you done that?

The WITNESS: I have done that.

Hon. Mr. GLEN: Then, that is what you should say.

The WITNESS: Certainly. Now, in connection with the council; I have been dealing with the powers of the council to a certain extent in so far as the character of the widow is concerned. I also believe that other powers should

be given to the council for the better administration and control of local affairs on the various reserves, and for the simple reason again that the council of the band is closer to the people than any other body. There are provisions in the Act giving certain powers to the council, but from my experience none of those powers has ever been exercised and the reason for that is—frankly, I don't think I want to venture to give an opinion on it.

Mr. CASE: Did you say "exercised" or "recognized"?

The WITNESS: Exercised. But I know this, that motions are made by council and at various times such motions have been inoperative, they cannot go into effect unless they are approved by the Superintendent General. If the motion happens to be one that does not receive approval by the proper officials, the proper authorities, then the motion becomes invalid and they cannot proceed under such a motion. That I think is the case of almost every motion, so far as I know; until it has received the approval of the proper authorities in Ottawa it is of no effect, and it only becomes effective when it receives such approval at Ottawa, and I think that the difficulty arises from that, gentlemen; the delay in getting approval to the motion whether it is right or wrong. I do not know what the reason is, but motions are not approved.

Mr. GARIEPY: Can you give us a concrete case?

The WITNESS: No, I am sorry, I cannot.

Regarding the question of control of the council over either the principal or interest; I think that if I could give this example—

By Mr. Harkness:

Q. You mean band funds?—A. Band funds. I think I can give you an example. If a man has money in the bank, and I assume most of you have, you can issue a cheque and the bank will honour that cheque. In other words, the bank recognizes that is your money. I would not be prepared to state that as regard the principal of any band fund, but I think the council should have control and discretion as to the spending of any interest which might accrue from the principal held in trust for them.

I should now like to deal very briefly with the question of education and training of Indians, not in the kindergarten stage but at the stage where Indian boys and girls are from 13 to 18 years of age. That is a serious age. That is a very important age. On all the reserves that I have visited—and I have visited quite a few in Quebec and one in Ontario—I have found that there is absolutely nothing to occupy the minds of the young Indian boy and young Indian girl at that age. There is no recreational centre. There is no sports activities. There is no special activity on the reserve. The result is that the evenings are very long, and sometimes boys and girls of that age wander off in various directions and end up in an unfortunate state of affairs. I believe that as a part of the training of Indian boys and girls of Canada a recreational centre of some sort should be included as part and parcel of their school education. School should not end at 3 o'clock in the afternoon and begin the next morning at 9 o'clock. I think education should be supplemented by establishing centres where young Indian boys and girls could go and thereby avoid the various pitfalls which you gentlemen know exist today.

I do not want to be too long. I think I have covered the main grounds but I certainly would welcome any questions that I am in a position to answer.

By Mr. Bryce:

Q. You started to talk about the liquor problem. Would you mind touching on that?—A. In connection with the liquor problem I feel that all you have to do is read the sections of the Indian Act itself. You will find

out for yourselves that it is the law itself which makes the distinction. I think the provisions of the Act prove conclusively that the Indian is put on an inferior plane. I think the sooner those provisions are removed the better. I have one example in mind where a very decent Indian lad and his wife, a lovely girl, went out for an evening with their friends on a Saturday night. They went to a hotel. The ladies had a glass of wine and the men had a glass of beer. They had not finished when the mounted police entered and placed this man and his wife and the other man and his wife under arrest. They had to pay a fine and costs amounting to \$13.50. Here were two respectable decent Indian couples going out for a social evening. Because of the rigorous application of the law these people were arrested and had to pay a fine. I think when the law has that result there is something wrong with it and it should be removed. That is my frank opinion of it.

By Hon. Mr. Horner:

Q. You think they should receive the same treatment as any other man?—
A. That is what I believe.

The CHAIRMAN: Thank you very much, Mr. Saylor. If you would stand aside for the time being we will hear Mr. Paull. As you know it is the practice of the committee to hear the presentations first and then the questions.

Mr. CASE: I wonder if it would not be well to vary that a little since their briefs will be entirely different. Mr. Saylor is dealing with the law. I wonder if we might ask him a few questions to clarify some points, not to wander away.

The CHAIRMAN: That is entirely within the province of the committee. If the committee decides they want to do that now that is perfectly all right. How many minutes shall we say for each member?

Mr. CASE: I have only two questions that I would like to ask.

The CHAIRMAN: It is not a matter of questions. It is how long, because one question can take half an hour.

Mr. CASE: I offer that as a suggestion.

The CHAIRMAN: What is the pleasure of the committee? How long will we devote to the questioning of Mr. Saylor and how long will be allotted to each member?

Mr. CASTLEDEN: I suggest five minutes if they need it.

Mr. MATTHEWS: I thought this was just for two questions to be asked by Mr. Case.

The CHAIRMAN: That will take us an hour and fifteen minutes. We have to be fair in these matters. I think we should put the matter to a vote as to whether we will examine Mr. Saylor now or when the briefs have all been presented. If five minutes is allotted to each man now it will take an hour and fifteen minutes.

Mr. FARQUHAR: How many briefs have we to hear?

The CHAIRMAN: Two, one more. All those in favour?

Mr. BLACKMORE: Before you vote it might be well for the committee to bear in mind Mr. Paull has stated his brief is in the hands of his secretary and therefore he is not ready to speak to the best advantage. Therefore it might be wise to question Mr. Saylor.

The CHAIRMAN: Are you prepared to go on now, Mr. Paull?

Mr. PAULL: Yes, sir.

Mr. BRYCE: Perhaps you could find out how many questions are in the minds of the members.

The CHAIRMAN: When you start questioning one question gives rise to another in somebody else's mind.

Mr. FARQUHAR: I think we had better stick to our procedure and hear the briefs first.

The CHAIRMAN: All those in favour of proceeding with the briefs in the usual manner raise their hands. All those in favour of examining Mr. Saylor now raise their hands. I am afraid the briefs have it.

Mr. CASTLEDEN: That is quite satisfactory.

Andrew Paull, called:

The WITNESS: Mr. Chairman and hon. members of the committee: I am going to try my very best not to waste your valuable time. I am going to try to deal with matters that are pertinent to this important question that is now before you. I ask for your patience in listening to what I have to say.

I should like you to permit me to inform you that I was chosen by my people to do this work when I was a youngster about 7 or 8 years old. They built a school and put me in there so that I might be their eye, ear and mouth. In the year 1907 I came out of school and from then on until the year 1911 I received my Indian education from the chiefs. Then I was brought before the Indian agent and sworn on the bible that I would always work for the interests of the Indians. Then I became secretary of an Indian organization in British Columbia. The chairman of that organization was the late revered and very esteemed friend of the Indians, Rev. C. M. Tate, at that time a Methodist minister.

Later on I became recording secretary and later on secretary for the allied Indian tribes of British Columbia. The chairman of that organization was my friend, the Rev. P. R. Kelly. I have been interested in Indian work since that time.

I am going to try to deal with British Columbia. The province of British Columbia is in a very unique position because no treaty was made with the Indians of that province. That is one point I should like to lodge in the minds of this august tribunal.

Another thing I should like to say is that a system by which reference of the Indian land question could be submitted to the courts was submitted to the Indians in the year 1914. The terms and conditions of that order in council were refused by the Indians of British Columbia because they wanted to reserve the right to choose their own counsel, and so on.

Another thing that is paramount in this question before this body is that while the British North America Act says that the Dominion government will have charge of the Indians and the lands reserved for Indians yet there are many things that are beyond the control of the Dominion government and which are in the control of the provincial governments. In the province of British Columbia the province controls water for irrigation purposes, grazing lands, trapping, and so on. These things are important to the very existence of the Indians.

I am going to ask that this committee recommend that the Indians be permitted to refer some of these questions for decision of the courts. I say, gentlemen, the Indian Act prohibits the Indians from submitting some of their questions to the courts. You have heard Mr. Saylor mention some of them. I will take the case of water for irrigation. When an Indian reserve was allotted in the dry belt a stipulated number of inches from adjacent creeks or lakes, or creeks and lakes within the reserve, were allotted to these different reserves. The schedule of Indian reserves stipulates that the Indians residing on those reserves which were allotted for the Indians would have the privilege of securing a certain amount of water from these creeks.

We say that the timber, water, and so on, on these reserves that were allotted for the Indians are part and parcel of the lands, timber, water and everything that were allotted for the use and benefit of the Indians. Different courts have decided that the Indians have a usufructory right of occupation of these lands, but the situation today is that the provincial governments control the water that was formerly allotted to the Indians in the dry belt of British Columbia.

This question of irrigation was before a Royal Commission on Indian Affairs. It was before a joint committee of parliament in the year 1926 which considered the claims of the allied Indian tribes of British Columbia. In the year 1912 an agreement was entered into between the province of British Columbia and the Dominion of Canada whereby a royal commission was to be appointed to inquire into Indian lands, and so forth, in the province of British Columbia. The royal commission worked from 1913 to 1916. It is included in their report that they could not find any authority anywhere in the records of the governments, both of the Dominion of Canada and the province of British Columbia, to allot water for the use of the Indians. They did not do anything but they put that on record and they said "whatever authority there may have been for allotting this water we do not do anything which will reduce the power of that authority for allotting that water".

The white people in the dry belt of British Columbia are perhaps smarter than the Indians. By means best known to themselves they spread the propaganda amongst the Indians that they must not use this water because it would prejudicially affect their Indian rights. Of course, the Indians being illiterate and so on believed that kind of propaganda that was spread among them. The white man knew very well that the provincial government says, "If you use the water you will have the water. If you do not use it then you will not have the water. The white man will have the water." There was a fear created in the minds of the Indians that if they did at that time utilize the water with the assistance of the Department of Indian Affairs that perhaps it would do something which would prejudicially affect their aboriginal Indian rights. The result was that despite the efforts of the Department of Indian Affairs to get the Indians to utilize the water they did not do so. Only in some cases were irrigation schemes installed in British Columbia. I have been travelling around British Columbia and telling these Indians that there is nothing to fear, that they would not hurt their aboriginal rights if they allowed the department to install an irrigation water system.

The time is now coming and it is coming late. People are settling there and it is necessary to regiment this water for the benefit of the Indians now. I think a lot of the Indians who entertained that fear have gone to their eternal reward, and the Indians of today are more modern and are ready to go to the soil to earn their living.

In the dry belt it is impossible to grow anything without water. We will take as a specific instance the case of the Kamloops reserve. If you want we could find the record in the schedule of Indian Affairs where a certain amount of water was allotted for the Kamloops Indian reserve. Perhaps some of you have been in the city of Kamloops. I know Mr. Reid has and I am sure the Hon. Mr. Stirling has. Let me try to give you an oral picture of the situation. There was a lake on the top of the hill there, and from there a creek ran down through the Indian reserve. It gave natural irrigation to the Indian reserve. The Indians were able to grow vegetables and all kinds of grain. They had enough for their own use and sold plenty to the city of Kamloops. Then a big farming scheme was commenced and they blocked this water. They stopped the creek and ran the Indian reserve dry. That ranching company was called the Harbour or Harker ranch company. I hope you will excuse me for saying this but I cannot help but put the situation before you as I think it actually exists.

The big ranching company had more influence with the provincial government than any influence the Indians could exercise so this natural creek which was given to the Indians by God was blocked off and the water shut off. Now that reserve is as dry as it could be. I was there a few weeks ago. You cannot do anything there now.

I have discussed this matter with the Indian commissioner. He is here to speak on it or correct me if I make any mistake. We talked about it before the joint committee in 1927, not only as to the Kamloops reserve but other reserves which required water for irrigation. The decision of that joint committee was that the Indian department and the provincial water board should continue to work hand in hand to give water to the Indians who wanted it.

Perhaps some of you have read that report. The Speaker of the Senate was on that committee, the Hon. Mr. Bostock. The Right Hon. R. B. Bennett was on that committee, and also H. H. Stevens, Wellington Hayes, the late Hon. Charles Stewart, and men of that type and high character. They made that recommendation. It seems that this question of the water was left to the courts for decision in British Columbia. At that time it was without the knowledge of the Indians. The Indians did not know that this matter had been referred to the courts of British Columbia for adjudication. I say to you, hon. members of this committee, that action was wrong. The Indians should have been represented there. They were probably represented through the Indian department but that is not good enough.

I will try to make my point clear this way. Some years ago there were three brothers called the George brothers who had killed two constables. They were brought to trial. The late Hon. Mr. Justice Dennis Murphy was presiding at the assizes. When court opened a gentleman got up and said, "I have been appointed by the Department of Indian Affairs as counsel for these Indians." Another gentleman got up and said, "I have been appointed by the accused to be their counsel." There was a clash there. The learned justice decided it was the privilege of the Indians to appoint their own counsel and he would recognize the late Stewart Henderson who was appointed by these Indians to be their counsel at their trial. Therefore, the counsel who had been appointed by the Indian Department just sat there and held a watching brief. He was put out of court. I am not reluctant to say that, because of that decision, this matter of the water was referred to the courts. The Indians should have been represented by counsel appointed by themselves, a counsel whom they could have instructed.

The decision of the court was against the Indians. It was decided the province had jurisdiction over the administration of the water. This matter is too important. I stand before you now and I ask that the Indians be permitted to appoint their own counsel, nominate their own counsel, instruct their own counsel and that this matter be again referred to the court for adjudication. If the court decides in favour of the Indians, this matter will have to be based on the aboriginal title. I do not think the Department of Indian Affairs would, at any time, instruct any solicitor to represent the claims of Indians in a question such as that, based on aboriginal title. I do know this, if the Indians appointed and instructed their barrister, they would instruct him to argue their case based on aboriginal title. Therefore, before you can get all the facts of the case before the courts for adjudication, the lawyer representing the Indians would have to argue this question based on the aboriginal title.

The brief* which I am going to submit to you will deal with the constitutional and legal position of the aboriginal claims of the Indians in British Columbia. I am doing that to support my plea to this committee that the matter be facilitated for a reference to the courts in this matter of water for irrigation purposes on the Indian reserves in British Columbia.

*See Appendix "ER".

Now, if the courts should decide in favour of the Indians, then the Indians would have a greater voice in deciding who should have this water. Instead of the white people paying the money to the province, then they would have to pay the money to the Indians. It is an important matter. Since this water was allotted to the Indians in the first place by the Indian Reserve Commissioners, the Indians believe this water belongs to them. If the Indians are right and it was given to them, as they understood it was given to them, then they are the ones who should be getting the revenue from the water instead of the provincial government. That is how important it is. The Indians must receive adequate compensation.

During the month of February, I had the privilege of attending a conference with the Cabinet of the government of British Columbia. I attended with the Honourable John Hart and the members of his cabinet. I discussed this matter with him. In order to go into the matter more fully, he suggested I discuss it with the Minister of Lands and Forests, Mr. Kenney. I did discuss this matter with Mr. Melrose, the new deputy minister of lands and he said he would look into the matter and write to me. He wrote to me. I have the letter somewhere. He told me this matter had been examined some years ago and the Indians did not say anything. This ranch company was allowed to go in there.

I do not see how or by what system the Indian Department did not make known the objections of the Indians to the provincial government. There was an error committed by the Department of Indian Affairs at that time. I think, perhaps, this occurred when the Indian agent who was at Kamloops was sick; that is the only explanation I can find for it from the office of the Indian commission. I asked the Indian agent last fall if he knew anything about it. He looked in the records he had and there was no record of it. He told me it was possible the Indian commissioner had a record. I went to the Indian commissioner but we could not find what we wanted. Major MacKay concluded these events occurred during the time the Indian agent was sick and not attending to his work. There was an error committed there somewhere. This question is so important to the Indians in the dry belt, it should be referred to the courts for a decision.

I shall give you another reason why this matter should be referred to the courts for a decision. Under the thirteenth article of the terms of union between British Columbia and Canada, it was agreed that the charge, trusteeship and management of the Indians' lands, reserves and all Indians should be assumed by the dominion government, with a policy as liberal as that hitherto pursued by the colonial government to be pursued by the dominion government, and that the province would convey to the dominion the lands for the Indian reserves.

You all know when British Columbia entered Confederation. It was the year 1871. From official information conveyed to me by the Indian commissioner, the province of British Columbia did not convey these Indian reserves in the province of British Columbia until the year 1938. Now, there was an action on the part of the provincial government contrary to the provisions of the thirteenth article of the terms under which that province entered Confederation. I think that was a major violation of a contract entered into between the province and the dominion.

Some time after that, the dominion government re-conveyed the lands in the dry belt to the province for administration. The dominion government again made a serious mistake when it did not protect the Indians' interests in so far as trapping and water was concerned. We will deal with water. They conveyed lands in the railway belt holus bolus, with the exception of Indian reserves. In that conveyance was included the administration of the water by the province. Now, the dominion government and the Indian department should at that time, have refrained from conveying the administration of water which had been allotted to the Indians.

This is an additional reason why this matter should be adjudicated by the courts, unless you can persuade the provincial government to turn back this water to the Indians. I fear the province would not do so. It is for this reason I suggest you recommend to the Government of Canada this matter be referred to the courts and the Indians be allowed to appoint, nominate and instruct their own counsel. The dominion government, as trustees for the Indians has made many mistakes in connection with the matter of water for irrigation purposes. There is much land in the railway belt badly in need of water.

I should like to see the Indian department appoint the inspector of Indian agents, Mr. James Coleman as an outside man to travel around British Columbia and decide where irrigation systems should be installed and so on. He would be of greater service to the government of Canada and to the Indians if he were allowed to go out in the field, travel among the Indians and enquire into the question of water for irrigation purposes, trapping and so on. He would be of greater service to the country and to the Indians if he were allowed to do that. I make that recommendation for your sincere consideration, that an outside man be appointed, and Mr. Coleman, having been a provincial policeman, knows the country well. I think he is the right man for that job.

Now, I wish to go from the question of water for irrigation purposes to the question of trapping. I have travelled throughout the interior of British Columbia, not only this year, but last year as well. I have visited many Indians in the Williams Lake Agency, the Kamloops and Okanagan area. I was fortunate enough to make a motor trip which enabled me to visit the Indians in their homes, on the reserves and so on, last year.

From time immemorial, the Indians in the northern interior of British Columbia and also in the southern interior, had certain areas which were recognized as belonging to certain Indian families. The ownership of that trapping area was regarded by all the other Indians in the district, and it would be regarded in the same manner as you would regard the ownership of a farm. This trapping area belonged to you so the other Indians must keep away from it. The time came when the province of British Columbia enacted a trapping law. They attempted, and the purpose of that law was, to preserve and guarantee a continued occupation for the people who had been trapping in these areas. This was the intended purpose of the trapping law of British Columbia. Now, do you understand me? Have I made myself clear? It was intended, by means of this provincial law, that those Indians or white people who had been in the habit of trapping those certain areas would continue to do so, provided they registered their names as the owners of those trapping areas with the Game Board of the province of British Columbia.

At that time, there were many more Indians than there are today who were illiterate. They did not know of this law and, therefore, they did not register. Now, what should have happened in this case? The Indian agent should have registered all those trap lines without waiting for the Indians to register. The Indian agent did not do that. You must have some conception of the value of a trap line. This is the only occupation in which some of the Indians can engage in various parts of the northern interior of British Columbia. There are no industries and they rely on trapping for their very existence.

Many, many Indians did not register because they did not know of the law. They were illiterate. I charge the Department of Indian Affairs with having failed in its duty to protect the Indians' interests. The Indian agent should have registered those trap lines, but he did not.

Now, I will cite a particular instance in this connection. I have been asked by the Indian concerned to make this known to the proper authorities. I have done so, but got nowhere. There is an Indian called Wallace Morgan, Chief Wallace Morgan. His father, grandfather and all his ancestors had been in the

habit of trapping a certain area. I think it was along the shores of Cedar Creek. I am not sure of that name, but I think that is the name. Year after year, they were trapping there. They had shacks there. There was an Indian chief buried along the trail and other Indians were buried there because they had been in the habit of trapping in this particular area almost from time immemorial. One day, the Indian agent said to Wallace Morgan, "You must register this trap line." The Indian said, "Why do I have to register it? I have been going there all the time. Everybody knows we own the trap line, my family owns that trap line." The Indian agent said, "No, you must register in order to continue to hold it." Finally, the Indian did register with the Indian agent. The Indian agent told him it was all right to go back this winter to his trap line. He was to come back in the spring and the Indian agent would have the papers for him. So, Wallace Morgan and his friends and family went away. When they came back they went to the Indian agent to procure their papers from the government for this trap line. The Indian agent told him, "I am sorry, but you have not got a trap line any more. Two white men now have your trap line." Although he had registered, he has not had that trap line since that time.

There is an example of gross injustice. This trap line must be restored to that man as from this day forward if there is any semblance of justice in the administration of Indian affairs. Wallace Morgan came to me not so many years ago, about two years ago and said, "Is this what my boys are fighting for?" He had two sons overseas.

Now, I ask you gentlemen to cross-examine the commissioner on that. We can get nowhere. We have tried, the commissioner and the inspector have tried, and we cannot get any place. The inspector of Indian agents, Mr. Coleman, told me the only way we can get the trap line back for Wallace Morgan is to buy it back from these white men who are now in possession of it. However, the white men do not want to sell. Some action will have to be taken to restore that particular trap line to Chief Wallace Morgan because he obeyed the law. He registered and when he came to claim his papers, he was told he had no trap line. Although he registered, he has not had his trap line for a number of years.

MR. MATTHEWS: How many years, do you know?

THE WITNESS: I think about twelve. We have appealed to the provincial government and can't get anywhere officially in British Columbia. We have tried but we can't get anywhere. Now, in the Babine reserve—up around Hazelton, Brown Rock and Smithers—the Indians in that district must rely on trapping for their living. There are many, many Indians who have been denied the whole hereditary family trapping area. I have stacks of letters from these people. I do not know what to do with them because there is no place I can go to get these trap lines restored. I have spoken to the departmental officials and I cannot get anywhere. This thing is disturbing because it denies the Indians very existence. I have come to this conclusion, that the dominion government and the provincial government should appoint a board to inquire into this trapping question as it affects the Indian and if possible put an Indian on this board, an Indian from that district, so that he can convey the opinions of the Indians to the board as to exactly what their claims are and so on, and if possible restore these old trapping areas to the Indians and put the whites out, the white men who are there now. I think that is the only way in which to deal with the trapping question.

And I would suggest also that the great success which the Department of Indian Affairs had made in the propagation of muskrat and beaver in Manitoba, Saskatchewan and other places be extended to British Columbia. We have a wonderful country there for such an undertaking. I think with the assistance of the Indian department and the provincial government Indian department

the old prosperous trapping areas could be restored to a very productive basis again, but that would require the co-operation of both governments. I can assure you that the Indians will co-operate. I think it is a big question and one which both governments should look into.

And now, another matter which I would like to bring to the attention of this committee now is the question of roads. You are familiar with the Indian Act. Under the Indian Act the Superintendent General can force the Indians to fix the roads and he can force the Indian band to use band funds for road maintenance on Indian reserves. Now, the other day when I was appearing before the honourable the premier of British Columbia and his cabinet I made it known to him that the Indians in British Columbia as well as the Indians in other parts of Canada are paying all the taxes the white man pays, with the exception of the direct land tax; and I said to Hon. Mr. Premier that I am in the position as you were when you appeared before the Right Honourable William Lyon Mackenzie King asking for more money for British Columbia; I submit to you that the Indians are paying taxes to your government and to the dominion government which amount to considerable sums, and some of this revenue should come back to the Indians. I said, further, the Indian Act requires band funds to bear the cost of maintaining roads on reserves but you are selling car licences to a lot of people who are using these roads on these reserves; to merchants, tourists, government officials and so on. I am speaking of the roads running through the Indian reserves. They are also used by the merchants, and those roads in time become very dilapidated, and when they are in a dilapidated condition the Indian Act says that the Indians must fix them by voluntary labour or out of band funds, that is band funds must be used to fix those roads. And now, gentlemen, let me try to put the position in a very extreme way in order to make my point. As I said, these roads are used not only by provincial government officials, but they are used by the merchants of the district and others who pay car licences and truck licences to the provincial government. Suppose, I said to him, for purposes of illustration, the provincial government is using these roads on the Indian reserve which have to be kept up by Indian labour and funds or by Indian labour as required by the Indian Act. Now, I think that is not fair. The Indian band fund is not large enough, does not have sufficient revenue to meet that requirement. You people are using these roads. Many of these roads were put through the Indian reserve by the provincial government without the knowledge or consent of the Indians. Timbers from the Indian reserves were used to build bridges. After they are put in the province expects the Indians to maintain these roads in good condition. And now, I think my good friend, the hon. Mr. Reid, will agree with me that roads through Indian reservations are in a very dilapidated state. We agree on that point, Mr. Reid?

Mr. REID: I certainly will agree with you on that.

The WITNESS: Certainly, he agrees with me on that. Now, there is a matter for your consideration, hon. members of this committee; and it is a matter which I wish you would look into because band funds are not sufficient to keep the roads in the condition in which they should be. And certainly the days of slavery are far past and I suggest that the Superintendent General of Indian Affairs should no longer have the power to compel Indians either to work on the road or to keep those roads up. With all respect I say this, if the Hon. Mr. Glen here were to ask me to fix a road I can tell this committee that I would have to refuse. I know there are many who will criticize me for even suggesting that I would refuse to obey an order of the Superintendent General of Indian Affairs; but I certainly would refuse to keep a road in condition for the use and benefit of the provincial government or anybody else.

I have some more to say, gentlemen, but I have yet to prepare my submission. Do you want me to answer questions now?

The CHAIRMAN: Would you like more time in which to prepare the balance of your brief? Maybe we had better call it one o'clock.

Mr. HARKNESS: I think we had better bring back Mr. Saylor and question him now.

Mr. Norman Saylor, recalled:

The CHAIRMAN: Now, gentlemen, I think our counsel here, Mr. Lickers has some questions he wants to put to the witness.

By Mr. Lickers:

Q. In connection with estates on reserves would your opinion be that they be administered through local surrogate courts in the provinces?—A. In view of the difficulties which I explained to this committee I would say, yes; unless these difficulties and delays were definitely removed.

Q. I presume that in Quebec you have what is known a descent of property would your opinion be that in connection with the descent of property the reserves in any province should be governed by the laws of the province in which the reserve is situated.—A. No, for the simple reason that the laws regarding estates are different in the various provinces and the Indians have been living in the various provinces and the laws regarding them definitely have to be centralized. I think that if estates were governed by provincial laws it would lead to confusion.

Q. If the estates were put through the local surrogate court?—A. Well in connection with the probate of a will; yes.

Q. If the will is probated by the surrogate court and still remains under the laws of descent?—A. That is right, under the Indian Act.

By the Chairman:

Q. Would you not be in difficulty and conflict right there?—A. I myself believe that the application for approval of a will of an Indian is the main thing, the petition for the probate of a will to the courts.

Q. Yes, but if you are going to make application for probate you are going to have to pass accounts in the same court.—A. I think that could authorize an petition that might be made for the probate of a will of a deceased Indian and leave it in that form until it is approved by the Superintendent General; then if he approves, you could proceed to make your application in any judicial district.

The CHAIRMAN: I can see a great many difficulties and pitfalls in the adoption of a procedure of that kind.

Mr. CASE: In any event, there is your opinion.

The CHAIRMAN: You realize, of course, that there is no charge made by the department, and if it goes to the provinces the lawyer gets his fee and the executors get their fees.

The WITNESS: If they can settle it, but if it is going to take twelve years and the Indians have to keep coming down to Ottawa here with their delegation that alone is going to cost them much more than the other procedure.

The CHAIRMAN: I agree with you as to that, but assuming a more efficient administration, better staff, and a stepped-up procedure?

The WITNESS: Yes. I was thinking of the Act rather as it stands at the present time.

By Mr. Lickers:

Q. You are speaking now, you would maintain the provisions of the Indian Act as to descent, and if you could get around the additional cost of putting the estate through the surrogate court you would be in favour of having the department officials handle it? What do you say as to having departmental officials with judicial authority visiting the different agencies, let us say once a month, to approve of applications for probate of wills?—A. Anything along that line would certainly alleviate the delays. I think it would be a very good idea.

Q. Now, just while we are on that, and more particularly in connection with the powers of the council; would you be in favour of giving to the band or the council of the band the same authority say as a municipality has in a province? A. You mean the authority which a municipality has in accordance with provincial law?

Q. In accordance with the needs of their own local affairs?—A. I would say yes; but I would qualify my affirmative answer by stating that that control would depend on the council itself.

Q. Now just one other thing in connection with Indian administration; from your experience in dealing with Indians is it your opinion that they would like to have their affairs administered by Indians themselves?—A. Yes, I believe that is so; and I think possibly more Indians would be encouraged if that were arranged.

Q. Then I have just one more question, Mr. Chairman; this may be a little personal, have you at any time applied for a position with the Indian department?—A. Yes, I have. As a matter of fact in 1936 I made application—my law practice was very much on the rocks, I was just starting out—I was very much disturbed—but I did make application for a civil service job. I was a lawyer at the time, but I apparently did not succeed because I did not get the job.

Q. What sort of a job was that?—A. That was in connection with the inspector of Indian agencies.

Q. In the province of Quebec?—A. In the province of Quebec.

Q. And in connection with the appointment of personnel, I understand that is done at the present time through local boards, would you be in favor of enlarging that procedure provincially?—A. Yes.

Mr. LICKERS: I think that is all I have at the present time.

By the Chairman:

Q. Are you familiar with section 33 of the Act, Mr. Saylor?—A. Yes.

33. Notwithstanding anything in this part, the courts having jurisdiction in the case of persons other than Indians, with but not without the consent of the Superintendent General (minister), may grant probate of the wills of Indians and letters of administration of the estate and effects of intestate Indians in which case such courts and the executors and administrators obtaining such probate, or thereby appointed, shall have the like jurisdiction and powers as in other cases, except that no disposition shall, without the consent of the Superintendent General (minister), be made of or dealing had with regard to any right or interest in land in a reserve or any property for which, under the provisions of this part, and Indian is not liable to taxation.

A. I was conscious of the existence of that section.

By Mr. Case:

Q. Coming back to the question of enfranchisement; do you know of any case where there has been involuntary enfranchisement?—A. No, I do not.

Q. You mentioned that the Act provides certain authority for councils but it is not exercised and I interrupted you at that time; I think what you meant was that it was not recognized; it is exercised by the council but it is not recognized by the Department of Indian Affairs.—A. That is what I tried to convey when I stated that any motions made had to have the appeal of the Superintendent General.

Q. Yes; in other words council presently exercise that right but it is not recognized.—A. They are trying to exploit the powers given to them under the Act but because of lack of approval of motions they really do not exercise those powers.

Q. They do not exercise them because they know they will not be recognized.—A. That is it.

Q. So the council is really not functioning?—A. That is right.

Q. Coming to the liquor provision; I understand that there is some provision in the United States where there is no liquor allowed to be sold on the reserve but when they are off the reserve where the facilities are available Indian people can obtain liquor?—A. Oh, yes.

Q. Have you any other observations to make on that; in other words, would you be in favour of making liquor available on the reserve; that is the way I would put it?—A. Yes I would, sir; within certain limits of course.

Mr. CASE: Yes. That is all I have, Mr. Chairman.

By Mr. Bryce:

Q. I want to get back to the dominion-provincial law. I find that in the province from which I come Indians conscientiously believe that they should not pay a tax on fish, and in taking the matter up with legal people in my own province they conscientiously believe that the Indian should be taxed. Tell me, what do you think about that, because I am between the devil and the deep blue sea. I want to try to find out who is right.—A. You are placing me in a very difficult position.

Q. You have the advantage of a legal training which I have not.—A. In provincial—

The CHAIRMAN: I am told you are not "between the devil and the deep blue sea", but "between the devil and the deep K.C."

Mr. BRYCE: I see, but I would not say an unkind thing to a friend.

The WITNESS: My opinion frankly is this; in provincial legislation, naturally the provinces have no power to legislate concerning Indians. In other words they have legislation which applies to everybody without any mention at all of the fact that the Indian shall be exempt. There is nothing in the Indian Act regarding that, so naturally these people from whom you obtained the opinion that the Indian should pay the tax, I presume they arrive at the conclusion that because of the absence of any exceptions regarding the Indian in the provincial act that he should pay his tax.

By Mr. Bryce:

Q. Do you think the dominion government made a mistake when they handed these rights over to the provinces without protecting the Indians in the agreement?—A. I do.

Mr. MATTHEWS: I have no further questions to ask the witness but I would like to remark that I was impressed by the fairness of the presentation which this witness has made.

The WITNESS: Thank you.

By Mr. Castleden:

Q. I have a couple of questions here. Has the Indian any appeal from any decision of any departmental official?—A. I do not know.

Q. They have no recourse of appeal and they have to submit to a decision?—A. That is right, unless the official who made the decision decides to reverse his own decision.

Q. Of course, it might go from the agent up to the Superintendent General?—A. Yes.

Q. What do you suggest as a remedy to that situation?—A. Well, you have two groups of powers in the Indian Act, I submit. I think you will find that there are provisions contained in the Act which are administrative on the one hand and judicial on the other. I think that in cases where decisions are made in virtue of the judicial power vested in the authority there should be some means of appealing, because in any court in a democracy as you know—that is why we have appeal courts, that is why we have supreme courts. I think some one-man board, or a three-man board, or whatever it is should be created; some board should be created to hear appeals from decisions which pertain to judicial matters.

Q. You think that a good many powers are left to the decision of an agent which might much better be left to the Indian band council, wherein the Indians have the right to choose their own band, and a lot of decisions in a great many of these cases must be settled by this council rather than by an official?—A. Yes.

The CHAIRMAN: Gentleman, I call it one o'clock. We will meet again this evening at nine o'clock.

The committee adjourned at 1 p.m. to meet again at 9 p.m.

————— EVENING SESSION

The committee resumed at 9.00 p.m.

The CHAIRMAN: Could we come to order gentlemen, please.

Mr. REID: Mr. Chairman, before you begin, I should like just a minute of the time of the committee before we begin the night's proceedings. If you look over the evidence that has been submitted to the committee you will find that almost every recommendation which we have had before the committee has contained a recommendation that the old age pension be granted to Indians. In view of the fact the minister has before the House a resolution and he is going to introduce a bill shortly, I am going to move, and I ask this committee to support my resolution that this committee give immediate consideration to the advisability of granting the old age pension to Canadian Indians.

Mr. CASTLEDEN: Will there be any difficulty about discussing that in the House if the committee is sitting? I think it is a very good move, but it is one of the more than sixty things we should do.

Mr. FARQUHAR: Could we have a seconder for that?

The CHAIRMAN: When we submit this or when it is before the House it can be spoken to but we have no authority beyond submitting it.

Mr. CASTLEDEN: What I was going to say is this. In our discussions on this report we will have to confine ourselves entirely to that one phase.

The CHAIRMAN: You heard the motion, and it has been seconded by Mr. Bryce.

Mr. BRYCE: I just want to say I am entirely in favour of this. It is something I have advocated since I first became connected with Indians in 1944, when I made my first speech in the House with regard to the Indian situation. Therefore it gives me great pleasure to support Mr. Reid in this because being

in the opposition I do not sit on the government side where he does. I know that it would be dynamite for me to do anything like that, I could not get anywhere, but it does give me great pleasure to support this attempt to get the old age pension for the Indians.

Mr. CASTLEDEN: I think in all fairness I should say that Mr. Harkness brought up a similar resolution in the House last year.

The CHAIRMAN: Will you just let me put this motion before the committee.

Mr. CASE: You have the motion before you, but I should like to speak to the motion.

The CHAIRMAN: Well, I am just going to read the motion.

Mr. CASE: All right.

The CHAIRMAN: The motion is, "That this committee give immediate consideration to the advisability of granting the old age pension to the Canadian Indians."

Now would you like to speak to the motion Mr. Case?

Mr. CASE: While I am heartily in favour of the motion made by Mr. Reid, I am anxious to know if we will be restricting ourselves if the government fails to accept this resolution. We are only asking them to give consideration to it.

The CHAIRMAN: That is right, that is all a committee can do.

Mr. CASE: If they leave it out, there is nothing we can do.

Mr. REID: I would not at this time have proposed this step, but I think many of the members are in agreement with me, that in view of the fact the bill is coming down this committee's view should be known to the minister in charge.

The CHAIRMAN: As you know, in view of the fact this is a money measure a measure for the expenditure of money, all any committee can do is recommend to the government the advisability of the step and the government must weigh all the points and come to a decision themselves. We have no authority to spend money.

Mr. MACNICOL: I would like to say that I am fully supporting Mr. Reid's suggestion.

Mr. CASE: It should have some significance if we are unanimous on it.

The CHAIRMAN: I was coming to that.

Mr. MACNICOL: I just want to say that I support the motion made by Mr. Reid and I would at the same time just add that the Moravian band of Indians in Kent County have already sent to me a resolution by their Council, to the effect that in their opinion the old age pension should be extended to Indians. I agree with them and I agree with Mr. Reid.

Mr. FARQUHAR: If I might just say while we are speaking, I am very much in favour of that resolution. I have asked the question on several occasions and I feel very strongly that the old age pension should be granted to Indians, and I just want to express myself here.

The CHAIRMAN: Now you have heard Mr. Case's comments and I think it would be rather significant if this committee would unanimously recommend this resolution to the House. Shall I put the question? All those in favour? All those to the contrary?

The resolution is carried unanimously.

The report will be then that this committee unanimously recommends that the government give immediate consideration to this matter.

Mr. FARQUHAR: There is one question I should like to ask before we go on with the questioning. In the report from the steering committee I notice there are four days given to the hearing of the Indians from Ontario, different parts

of the province, Monday, Tuesday, Thursday and Friday, May 19, 20, 22 and 23. I should like to know just what day or days of those four will be given so that we may notify the Indians of Manitoulin Island as to when they are to come?

The CHAIRMAN: My understanding was, Mr. Farquhar, that the Ontario Indians were coming Thursday and Friday, the 22nd and 23rd of May.

Mr. FARQUHAR: It doesn't say so here. It says Monday, Tuesday, Thursday and Friday, representatives of Ontario, two from the Six Nations Council, Telford Adams from southwestward Ontario; Tom Roy, from northwest Angle Treaty Indians; Robert Jackson, from far northern Ontario; and one representative from Manitoulin Island.

The CHAIRMAN: I think it was intended that the 19th and 20th would be clear in order to clean up anything that is outstanding before the committee. There was to be another report heard, Dr. Moore's report.

Mr. LICKERS: I think the notification has already gone out to the Six Nations to be here on the 19th.

The CHAIRMAN: Shall we say that the 22nd and the 23rd are clear? It is not, as Mr. Farquhar points out, fair that Ontario would have four days and the other provinces only two days.

Mr. FARQUHAR: That is not the point, I want to know on what day the Manitoulin Island Indians might come in order that I may get in touch with them and allow them to make the necessary arrangements.

The CHAIRMAN: My understanding is that on the 19th and 20th we are to hear the Ontario Indians. The 22nd and the 23rd I understand are to be clear days. Have you anything to say about that, Mr. Bryce?

Mr. BRYCE: No, the way I read the thing I just decided it was four days.

The CHAIRMAN: I think, if it is your wish, we could amend the sixth report of the subcommittee to call for the six Ontario Indians to attend on the 19th and 20th of May and that the 22nd and the 23rd should be left clear.

Mr. CASE: Mr. Chairman, would you accept the suggestion that it be the 20th and the 22nd, because they might not travel as easily on Sunday and Monday is not a good day for us.

The CHAIRMAN: That would leave them with Wednesday a clear day and they are only paid for two days.

Mr. FARQUHAR: I would like it to be set for the 22nd and the 23rd because it will take some time to get those different bands together in order to make arrangements for a representative.

The CHAIRMAN: There is a point that I should mention. The 24th is a day of celebration in the Dominion of Canada and it may be that many of the members may want to be away on that particular day.

Mr. REID: I should like to make a further suggestion to the effect that the name of Dr. Moore be added to those names appearing here on the 15th and 16th, namely Messrs. Neary, Jones, MacKinnon. I should like to see his name added.

Mr. CASE: I would second that.

The CHAIRMAN: Is that agreeable, Mr. Bryce?

Mr. BRYCE: Yes.

The CHAIRMAN: Is that Dr. P. E. Moore?

Mr. CASE: Mr. Chairman, I should like to say a word.

The CHAIRMAN: Let us clear up one point at a time. The first is in connection with the Ontario representatives.

Mr. CASE: I was going to ask whether the steering committee would give consideration to Mr. Paull's suggestion that Tom Jones be allowed to come with the Ontario Indians as he is unable to be present now. You would merely be paying his expenses at that time instead of at the moment.

The CHAIRMAN: I think we would be glad to get him in some time, but when you have already got six delegates coming down from Ontario and you add another it is going to make it seven. Would it not be better to leave that until sometime in June?

Mr. MACNICOL: Have you made the selection, Mr. Chairman, of those coming from Ontario?

The CHAIRMAN: You will notice the report shows representatives of Ontario Indians, two from Six Nations council; Telford Adams, from southwestern Ontario; Tom Roy, from Northwest Angle Treaty Indians; Henry Jackson, from far northern Ontario; and one representative from Manitoulin Island.

Mr. MACNICOL: You said southwestern Ontario?

The CHAIRMAN: That is right.

Mr. MACNICOL: Who is that?

The CHAIRMAN: Telford Adams.

Mr. CASTLEDEN: Are there any Indians coming from Rainy River?

The CHAIRMAN: Mr. Castleden asked about Rainy River. That is Tom Roy. If it is agreeable we will have the Ontario representation on the 19th and 20th.

Mr. FARQUHAR: Could you not make that on the 22nd and 23rd?

The CHAIRMAN: I will leave that to the members of the committee. If they will be here on the 23rd so that this committee generally will be represented on that day I am quite content. I will put it to a vote. All those in favour of the 19th and 20th raise their hands. All those in favour of the 22nd and 23rd raise their hands. I assume we will have the Ontario Indians on the 22nd and 23rd of May and the 19th and 20th will be left free. Let us get along, gentlemen, with the examination of the witnesses, Mr. Saylor and Mr. Paull. Do you want to make a statement? Do you want to continue your brief?

Mr. PAULL: Mr. Chairman, with your permission, and if it is the wish of the hon. members of the committee, I should like to submit Mr. Norman Saylor for cross-examination if it is so desired by the committee. He has a case in court in Montreal tomorrow and he wishes to leave as soon as possible this evening. If there are any questions to be asked of him I suggest that he be asked them now. If there are no questions I will proceed.

The CHAIRMAN: Thank you very much, Mr. Paull. I might remind the members of the committee in asking questions of Mr. Saylor we have from now, 9.15, until 11 o'clock at which time the hearing will be terminated. Would you care to state the time you will need for the examination of Mr. Saylor?

Mr. CASE: We are down as far as Mr. Castleden now.

The CHAIRMAN: Shall we say until 9.30? Mr. Castleden, have you any questions?

Mr. CASTLEDEN: Just a few.

Mr. Norman Saylor, recalled:

By Mr. Castleden:

Q. I should like to ask Mr. Saylor how the Indian agents treat infringements of regulations on the reserve? Suppose an Indian breaks a regulation. What is the procedure?—A. The procedure, of course, is governed by the provisions of the Indian Act. If it is an infringement regarding the possession of liquor

or intoxication or anything like that he is arrested by the mounted police. It is the mounted police who have charge of the enforcement of the Act. He is brought to trial before the Indian agent who has the powers of two justices of the peace under the provisions of the Indian Act.

Q. He has the powers of two justices of the peace?—A. Yes.

Q. That gives him the power to do what? What length of sentence can be give?—A. That is provided by the particular section under which the accused is charged. It goes up to three months. There is a penalty and costs, and in default of payment of the fine and costs he is usually given a jail sentence.

Q. Do you think that the agents are qualified to do that type of thing?—A. I am not familiar with many agents, but I might say that there are many penal provisions in the Indian Act. For instance, it says that if an accused is arrested in connection with such and such a charge he shall be tried on summary conviction. I do not know whether or not the agents know what summary conviction means, but it really means the summary provisions of the penal code of Canada relating to summary convictions. I doubt very much—and it is quite understandable—whether most agents would know the provisions of the Criminal Code in connection with summary convictions. They are not lawyers. I do not suppose they are expected to know the provisions of the Criminal Code regarding summary convictions.

Q. You feel then that the qualifications of an Indian agent—

The CHAIRMAN: At this point I should like to say that I think it would make it much easier for all members of the committee to hear if you will address the chair. Then we can all hear what you are asking. We are interested and we would like to know what it is.

Mr. CASTLEDEN: I was asking him if he thought Indian agents were qualified to do that kind of work where they have this power over the Indian.

By Mr. Castleden:

Q. When an Indian comes into that court has he recourse to legal counsel to defend him?—A. That is entirely up to him whether or not he wants to engage counsel. In cases like that of a summary conviction nature he usually either engages counsel or does not, depending on whether or not he can afford it.

Q. What appeal has the Indian got?—A. He has an appeal to the court in Montreal in connection with cases arising in Montreal, but he has an appeal under the provisions of section 750 and 749 of the Criminal Code which deals with appeals from convictions on summary conviction.

Q. What court would hear that?—A. I would not know what court it would be in the other provinces but in Montreal it would be the Court of King's Bench that would hear summary conviction appeals.

By Mr. Farquhar:

Q. Mr. Saylor, you said that the Indian council should have the use of the interest on their band funds. Does the council not have the right to use the interest on their band funds for any purpose to improve the condition of the Indians generally? I understood they had that right.—A. I would not be able to answer that because I do not know. I merely mentioned this morning in the event that Indians have funds held in trust for them they should have the privilege of using the interest. I do not think I stated that they did not have the right to use it.

Q. I thought you inferred they did not have the right. My understanding was that they would make a recommendation to the department and the department would use the interest for improving conditions in any way on the reserve, such as health, or in any way they wished to use it. That was my understanding. I thought probably you had some further information.—A. No, I have not.

The CHAIRMAN: Might I again request members of the committee to address the chair so we can hear what is going on.

Mr. FARQUHAR: We would also like to speak to the man we are questioning.

The CHAIRMAN: You do it through the chair.

Mr. FARQUHAR: All right; I will abide by your wishes.

By Mr. Farquhar:

Q. Do you believe that it would be in the interests of the Indians to become enfranchised and receive all the benefits and privileges of the white man?—
A. At the present time I would say that the Indian needs more education than he actually has in order to compete outside, and in order to understand the various problems arising in the country.

Q. We all believe that the one important question is education, that if the Indians had sufficient education that would solve many of their problems. I should like to ask you if you have any suggestions to make as to how we could improve the educational facilities of the Indians?

The CHAIRMAN: May I ask what the last part of that question was?

Mr. FARQUHAR: I asked him, have you any suggestions to make as to how we can improve the education facilities of the Indians.

The CHAIRMAN: I didn't get the word "facilities."

The WITNESS: There is one thing which occurs to me in connection with that question. I really believe that if the Indian was guided and given a little lift when he leaves either the public school or high school, wherever he goes in connection with any position which he might take, I think that if the other members of the reserve, or from the reserve to which he belongs, if they saw him improving himself, I think they will follow suit and try to achieve further education. He would set an example to them, I think, if he were given opportunity to place himself, to get a job, to get a fairly responsible job worthy of his education. I think other Indians would be induced by that example to try to improve themselves.

By Mr. Farquhar:

Q. You think the school facilities are adequate?—A. No, frankly, I do not; for the simple reason that as far as I know—and I do not know all the schools throughout the dominion—but as far as I know the Indian goes to school until he is fifteen or sixteen years old; certainly he is not in a position to go out and assume a responsible job, and the result is that he goes out and gets a job in a shop or whatever job is available, possibly; if, on the other hand, there were other Indians who had responsible positions and were able to gain recognition I think they would probably go ahead instead of going to work and probably try to obtain higher education.

Mr. FARQUHAR: That is all, Mr. Chairman, thank you.

By Mr. Reid:

Q. I have one question, Mr. Chairman. You spoke about insurance policies, and my question is, have the Indians any difficulty in obtaining their insurance policies; and, if so, are there any difficulties in the event of the Indian dying to his beneficiary obtaining the benefit of the policy?—A. On life insurance policies I would say there is no difficulty in obtaining a life insurance contract. The only difficulty is in connection with fire insurance policies. Many Indians have valuable homes, valuable in accordance with the means of the particular Indian. I would say that Indians would have property, homes worth anywhere from \$3,000 or \$4,000 to \$5,000 or \$8,000. Because of lack of fire facilities on the

reserve the fire insurance companies are very reluctant to place fire insurance on them, and I find that Indians generally who have homes of any value at all are naturally like anybody else, anxious to insure their properties.

Q. What about life insurance in the event of the Indian dying; where would the money go? Say he left the money to his wife or next beneficiary; where would that money go, to that beneficiary or to the band funds—A. No, to the beneficiary.

Q. Direct—A. Yes, direct.

Q. There is no difficulty?—A. There is no difficulty.

Mr. LICKERS: I was just going to qualify that. The Indian making application for life insurance on any policy with which I have dealt—as a matter of fact I have dealt with some five or six companies, and I have found this; that one of their regulations is that they would not insure an Indian without a physical examination but as far as the ordinary white is concerned they would insure him for an amount up to \$1,000 without any physical examination. That is the only discrimination of which I know.

Mr. CASE: I might offer this explanation about that, Mr. Chairman. I happen to be in the insurance business.

The CHAIRMAN: No advertising here, please, Mr. Case.

Mr. CASE: It is not because of any incapacity of the Indian, but we have means other than the medical examination for checking up on white people which are not available to us with respect to Indians.

By Mr. Harkness:

Q. In connection with the matter you brought up of leaving it to the department to determine whether or not a widow is of good moral character, do you know of many cases in which widows have been cut out of what they otherwise would have received by way of inheritance in that way?—A. No, I do not.

Q. Have you heard of any such cases?—A. Just one, and that is hearsay.

Q. But you actually know of no cases?—A. I do not know of any cases of that kind of my own knowledge.

By Mr. MacNicol:

Q. Mr. Chairman, I would like to ask Mr. Saylor a question or two. The longer this investigation goes on the more I am convinced that education is important, that education among the Indians will do more for them than any other single thing that we can do. Now, have you any suggestions as to how we can bring all Indian schools across Canada up to the same standard as those on the Six Nations reserve, at Muncie, in the north, at Walpole Island and that other place in the north you mentioned the other day, in British Columbia—what we should have on all the reserves is schools something like those where they seem to be just as efficient as the best schools we have say here in the city of Ottawa. Have you any suggestions to make as to how we can bring the Indian schools up to that general standard of efficiency?—A. That presumably would be a matter of administration and I think probably others would be more capable of answering that question than I would be of rendering any opinion on it.

Q. The department itself will lay out the curricula and they lay out the administration of the Indian schools, but they should be up to the standard which they have on the Six Nations reserve and elsewhere. That would be very valuable. How can that be brought about?—A. I think it can be brought about by increasing the classes, by increasing the grades in the schools; and I think it can be brought about—

Q. By employing better teachers?—A. Better teachers.

Q. Paying them more money to get them to stay there?—A. That is right. I think they are very much underpaid these days. It is a matter of discussion among teachers to-day. They are threatening to strike, and so on and so forth. The general opinion is that teachers are very much underpaid.

Mr. MacNICOL: In my observation, Mr. Chairman, I have visited many schools on many reserves, I have seen woeful differences in the efficiency of schools. We should bring the schools up to the same high standard and the Indian would be able to go forward much faster.

By Mr. Lickers:

Q. Under the provisions of the Indian Act in connection of descent of property it is set out there that one-third of the property is to go to the widow, and they limit the descent to collateral. Do you not think it would be a good provision to have that descent on the same basis as the laws of the province in which the reserve is situated?—A. Frankly I think it would, because the provisions regarding estates and essential property to my mind is very antiquated. For instance, I can think of one provision where an Indian dying intestate, without issue, and leaving a widow, all his property would devolve to her. In other words, there is the case where the Indian might have brothers and sisters or he might have a father and mother, and in both cases where there is no issue all his property will go to the surviving consort. I think particularly in cases such as those where the father and mother are living, and where the brother and sister are living that under the provincial law they would share in the estate.

The CHAIRMAN: Mr. Saylor, I understand that you want to get away. I want again to thank you on behalf of this committee for your attendance here and for your assistance to the committee, and we hope that by reason of your suggestions and recommendations that we may profit something in the revision of the Act when that revision takes place.

The WITNESS: The only thing I would like to say, Mr. Chairman, and honourable gentlemen, is this, that I certainly appreciate having had this opportunity to-day, and I certainly deem it an honour and a privilege to have been here at this important meeting. Thank you very much.

The CHAIRMAN: Now, Mr. Paull, would you care to continue with your brief?

Andrew Paull, recalled:

The WITNESS: Mr. Chairman, Honourable Members of the committee, I have filed a brief concerning British Columbia with the committee. I was going to read it, but in view of the short time I have before your body, I am going to ask that it be printed in the records of the proceedings of your tribunal.* I do hope you will agree with that, Mr. Chairman. I would speak to it, shortly. The brief is rather long. It deals with constitutional matters concerning the Indians in British Columbia. Many of the things for which we are asking are based on aboriginal titles, concerning such things as grazing lands, water rights, trapping rights and so on.

Another reason for placing this constitutional argument before you on behalf of the Indians in British Columbia is this; in the year 1927, there was a joint committee of parliament set up to consider the claims of the Indians in British Columbia. This committee made a report. It was written by the then deputy superintendent general of Indian affairs. The Indians who appeared before that committee included myself and the Reverend P. R. Kelly. We did

* Appendix ER.

not have a chance to see the report of that committee until it appeared in *Hansard* and had been adopted by parliament. I consulted with my friend the Reverend P. R. Kelly today and he agrees with me that I should launch, on his behalf and on behalf of the Indians in British Columbia, a most emphatic protest against one portion of that report. This concerns a matter of great importance to the Indians in British Columbia and I do say, willing and as bravely possible, that this report of which I complain—

By the Chairman:

Q. Which report is that, Mr. Paull?—A. It is the report of the joint committee of parliament which considered the claims of the allied Indians of British Columbia in 1927.

Q. Is that the 1926 committee to which you are referring?—A. The petition was launched in 1926 and was considered by a joint committee of parliament in the year 1927. My book containing the report is a little bit tattered, but you will find one in the library.

Q. If you will let me see it, I will give the citation:

Appendix to the journals of the Senate of Canada: first session of the 16th parliament, 1926-27. Special joint Committee of the Senate and House of Commons appointed to inquire into the claims of the allied Indian tribes of British Columbia as set forth in their petition submitted to parliament in January, 1926.

This is the report and evidence. Are you referring to any particular part?—A. I am referring to the report of the committee and, in particular, one paragraph of that report which states the refusal of that committee to allow our claims was due to the fact the committee said the Indians in British Columbia had been conquered by the British. Now, that is historically incorrect. It is that which I wished to say to this committee. I wish to launch an emphatic protest on behalf of the Indians in British Columbia. I have Mr. Kelly's permission to say so and to ask this committee that whatever Mr. Kelly and myself said in support of the claims of the Indians in British Columbia in the year 1927 before that committee be embodied in the representations which we are making before this committee now.

By Mr. MacNicol:

Q. The Indians were never conquered in British Columbia?—A. No, they were not.

By Mr. Richard:

Q. How does that paragraph read?—A. Will Mr. Lickers read this paragraph? He has better eyes than I have.

Mr. LICKERS: I am reading now from page 7, the part in italics.

It is claimed that no conquest had ever been made of the territory of British Columbia. The historic records would seem to indicate that this is not accurate. All the posts of the Hudson's Bay Company were fortified and the officers and servants of the company were prepared to resist hostile attacks. When a fort was established at Victoria a band of Cowichan Indians under Chief Tzouhalen seized and slaughtered several animals belonging to the whites. The official in charge, Roderick Finlayson, demanded payment for the animals, which was peremptorily refused. In this action Chief Tzouhalen was upheld by Chief Tzilatchach of the Songhees and the Indians attacked the fort, but were easily over-awed by artillery and later approached the fort to sue for peace. The historic records contain numerous other like references. The fort just mentioned was established at Victoria in 1848, and in 1849 Vancouver was made

a Crown Colony. British Columbia (the mainland and Queen Charlotte Islands) was made a Crown Colony in 1858, and the two colonies were united in 1866. British Columbia entered Confederation on the 20th July, 1871.

By Mr. Richard:

Q. That is the conquest, is it?—A. That is where they say we were conquered.

Now, the brief which I have prepared is in support of our claims to aboriginal title because the Queen, in a despatch, stated the Indians must be compensated for the land which they have been taught to regard as their own. The Minister of Justice in 1875, said he wanted to see the white people live up to the policy of the British to extinguish native title. Native title has never been extinguished by agreement, treaty or otherwise in British Columbia. What I have said now is supported by the brief which will be printed in the record.

I think I will leave it at that and you can read the statements in the brief. I now wish to take up as my next subject the matter of education.

By Mr. Lickers:

Q. Just before you continue, have you any knowledge of a land sale in British Columbia which I saw reported in the newspaper some three weeks ago in which part of the land was purchased by the federal government. A certain amount was paid to the provincial government and a certain amount paid to the Indians?—A. I certainly have knowledge of that. I am the man who handled the Kitsilano reserve deal for my tribe. I can tell you all about that from start to finish.

Q. Was that part of the reserve?—A. That reserve was arbitrarily taken by the then Attorney General for the province of British Columbia.

Q. How long ago?—A. In the year 1911. The Lands Act of the province provides that when an Indian tribe becomes extinct or a reserve becomes vacated, that reserve will revert back to the provincial Crown.

By Mr. MacNicol:

Q. That land?—A. That land will revert back to the provincial Crown in British Columbia. This Lands Act was disallowed by the Minister of Justice in 1875. The legislature of the province of British Columbia was asked to repeal that Lands Act, that portion of the Lands Act. They did repeal it, and, in the next session of the legislature of the province it was re-enacted and it is there yet.

The then Attorney General believed he had a sympathetic Minister of Indian Affairs in Ottawa. He caused the removal of the Indians residing in the Kitsilano reserve, twenty of them, by giving them \$11,500 each. The Indian department did nothing to stop that or to protect the Indian interests. The government of that day was criticized in two hot sessions of debate in the House of Commons. The government of the day was criticized for their inaction in not protecting the Indian interests.

I fought the legality of that sale for fourteen years. I was tossed out of Ottawa several times. I was told I had nothing to do with it, but I guess I am crazy. I persisted and after fourteen years I got that Indian reserve back. We are selling it again.

By Mr. Lickers:

Q. What I was interested in was as to whether, in connection with the surrender by the band, they had title to it or whether their claim was based on the Aboriginal title?—A. The claim I am submitting in that brief is the title

by the Aboriginal rights. Let me get acquainted with it. In Canada people think that all the Indians are the same. That is not the case. There are different nations of Indians, such as the Iroquois and the Hurons. In British Columbia on the west coast of Vancouver Island there is a nation of Indians called the Aht living on the west coast of Vancouver Island. On the east coast there is another nation of Indians, the Kwawkeulth from Cape Mudge. Up where my friend Mr. Williams comes from there are the Tsimshian Indians and there are the Haida's, and the Carrier nation of Indians, and so on. Now, we say that the government has not bought the territories over which these nations of Indians were the sovereign power when the white man went there. If they defeated one or two Indians in Victoria because they killed a cow that does not mean that they conquered all the Indians of British Columbia. They did not conquer all the other nations of Indians.

Now, the next subject I would like to deal with is education. The Hon. Mr. Crerar in a conference I had with him asked me if I had any solution to settle these Indian problems and I told him that I had. I said, "Hon. Mr. Crerar, I can give you the answer in one word: education." Because if the Indian is educated he can fight himself out of his difficulties. He will not feel an inferiority complex. If he has education he would feel that he was equal to anybody. That was the answer I gave to Hon. Mr. Crerar.

I wish to place this letter in the preamble of my discussion on the question of education. This letter is addressed to honourable members, Indian Act Committee, House of Commons, Ottawa, Ontario, and it reads as follows:

We, the undersigned, hereby certify that clause 6 of our brief presented last year is contrary to the decision of the Convention, the amended clause was not inserted because of our haste to have it printed.

We certify that the decision of our 1946 Convention was in favour of continuing the denominational schools, but that the government should give a greater per capita grant for all the children in the residential schools.

Respectfully yours,

ANDREW PAULL—President,
J. DELISLE, Jr.,—Vice-President,
HENRY JACKSON.

By Mr. Lickers:

Q. Is that an amendment to the brief?—A. An amendment to clause 6 of the brief we filed last year.

Mr. CASTLEDEN: It was corrected last year also.

The WITNESS: Yes. Now, gentlemen, this matter of education is a very important question. Perhaps you will permit me to go into the fundamentals of this question. The education of Indian children is the responsibility of the father and mother of that child. It is the responsibility of the father and mother to give proper education to their child. It is oftentimes impossible for the parents to give proper education. Now, the best kind of education, in my opinion, is that kind of education that can be given to an Indian child with some teaching about christianity. Separating denominational schools from the Indians is a form of intolerance that is not even deserving of the name of fascism. We had many Indians over there fighting against fascism. We shall not allow anyone to determine what church the Indian child shall belong to. Now, I take issue, with all the respect I have for the director of Indian Affairs, Mr. Hoey, when he made a recommendation to this committee, in his original speech to this committee, that where a dispute arose—where there was a dispute between the father and mother of a child, and it was impossible to decide what school,

whether Protestant or Catholic, that child should go to, Mr. Hoey recommended, and he says he feels strongly on the matter, that an official appointed by the superintendent general should determine to what kind of school that child should go. I stand before you, honourable members of this committee, and I say to you that not even any man appointed by the superintendent general with all the respect I have for the Hon. Mr. Glen—that no one man shall have that authority to determine that issue. That is a matter that belongs to the father and mother. Britain fought against religious control in the Old Country and so did many Indians; and with the vigour and energy that those Indians went over with to fight against that kind of fascism I stand here ready with as much courage as those boys that went over to fight against that. Now the constitution of the United States is based on the teachings of Christ. All our laws are based on the Ten Commandments. So why deny the Indians a chance to learn about christianity?

The CHAIRMAN: Mr. Paull, might I interrupt for a moment? If you will refer to page 16 of the minutes of evidence of Mr. Hoey, you will see that in the first paragraph he says: "My personal opinion, and I hold this opinion strongly, is that when such disputes arise the religious status of a child should not be decided by departmental officials, as is now the case, but by an independent officer or officers appointed by the minister."

The WITNESS: I object to that. I say that not any minister should appoint any man to decide what religion that child should belong to.

The CHAIRMAN: All right.

The WITNESS: That is what I am trying to say.

Mr. RICHARD: When the father and mother both disagree whom do you suggest shall decide the issue?

The CHAIRMAN: Let us not question the witness at the moment.

The WITNESS: Now, that question is generally decided previous to the time that this argument arises. So, if any provision is made then there should be no occasion for anyone to have to decide. I do not think that it is right and proper for any government to legislate or to appoint any official no matter how good he is—and I have a lot of respect for Mr. Glen—but there is no guarantee of his eternal existence.

Now, in the case of British Columbia there was the sum of \$100,000 that is to be voted annually to help Indians in British Columbia. Mr. Kelly and myself in 1927 told the department that we thought it was an antiquated system to give Indians \$4 or \$5 a year; we thought it was better to take that \$100,000 a year and give the Indians assistance in agriculture or in education, and I agree with that. In 1927 they were asked for better education. That committee agreed that the Indians should have better education, and they included in the reports that the Indians must have better education. If you examine their report you will see that they agreed this money would be used for Indian study. After 1927 several Indians went to technical schools. They learned various things, such as flying, and some of them went to normal school and some of them went to university. They went through their courses with flying colours. Then the Indian education department shut the door and would not let anybody else go.

Mr. MacNICOL: Would not what?

The WITNESS: Would not let any more Indians go to technical school, normal school, or to the university.

Mr. FARQUHAR: What reason did they give for that?

The CHAIRMAN: Will you confine yourself to making a record of your questions so that we may cross-examine later in the proceedings?

The WITNESS: I am sure that those Indian agents with whom I had trouble did not give any reason. Now I know four boys particularly, members of my own tribe, that were highly recommended by the principal of their school, that were fit and qualified to go to technical school and learn a trade, engineering, to be electricians or something like that. According to the system the Indians had to get the consent of the Indian agent. That Indian agent refused to give his consent and so those four boys could not go to learn something better than their ancestors knew. He persistently refused. The result is those four boys are doing the same kind of work as their illiterate fathers are doing, longshoreman work, fishing and so on.

Now I say this, honourable gentlemen. The Indian has no recourse, nobody whom he can appeal. Now let us not have the same thing happen again. I make this very sincere recommendation to the members of this committee, that there should be a board in every province to whom the Indian could appeal against the decision of the Indian agent or the commissioner, or the inspector of Indian agencies.

Some hon. MEMBERS: Hear, hear.

The WITNESS: Now I have been a long time in this work by the will of my people, by the will of the Indians from British Columbia and the Indians of Canada. I have visited many Indians and many Indian reserves, to a greater extent than any other Indian in Canada. I have found this, that when the Indian agent, the commissioner and the Indian chiefs co-operate and work together the result is good government of the Indians.

The CHAIRMAN: Just one minute, Mr. Paull. May I interrupt you for a moment?

The WITNESS: Yes, sir.

The CHAIRMAN: We have found that for the benefit of the Indians generally, and usually the particular delegation before the committee, that much valuable information is obtained by permitting the members to cross-examine the witness or to interrupt the witness on pertinent subjects. Now if that is being done tonight it will only permit each member to have five minutes. Now I am suggesting to you that you might feel inclined to permit the members to bring out the various points that they have in mind and to answer their questions for the next hour. We only have one hour and I am suggesting to you that there is nothing more of a vital nature that you would like to present in your brief that it might be well for the sake of the Indians generally if you would permit questioning at this time. What is your opinion?

The WITNESS: I have many more subjects to present, Mr. Chairman, many more weighty subjects to bring before the committee. I am at your mercy, but I am quite willing to be interrogated, cross-examined, or interrupted at any time. But I would like to have a chance to bring to your attention these things which I have.

May I say this, gentlemen, I am perhaps the only Indian in Canada who has more experience than any other Indian and I have a wealth of information that would be very helpful to this committee.

The CHAIRMAN: Now we appreciate that Mr. Paull. We know it was not our fault that you were not here yesterday but a great deal of time has been taken up today in cross-examining Mr. Saylor. Mr. Saylor could have been well posted as to the material he was to present and could very nicely have given to us yesterday and that would have saved a lot of time. Now we are faced with the position that we have but one hour left.

Mr. BLACKMORE: Mr. Chairman, I would like to see Mr. Paull use all the time he wishes. I think he will be more satisfied and so will we if he goes ahead and tells his story.

Mr. FARQUHAR: I feel that we should ask questions on matters that he is not clearing up as he goes along.

The WITNESS: Any time you want.

Mr. FARQUHAR: We have not seen the brief, but does not the brief cover the subjects you wish to speak on?

The WITNESS: Not the subjects I am discussing now.

By the Chairman:

Q. Why does it not cover the subjects?—A. Many of these things, such as education, are based on the Aboriginal title. That is taken care of by the brief but these fundamental things cover all issues, education and everything that comes afterwards.

Q. Let me put it to you this way. It will be in order if the members ask questions on subjects that they feel you are not clearing up as you go along.—A. I am willing to be cross-examined or interrupted at any time.

Mr. CASE: Take, for instance, his point on education. I would certainly like him to clear up these church school things we have heard about. Other representatives from British Columbia spoke to us with respect to church schools and I just cannot quite follow Mr. Paull. He says he is opposed in one way to the selection of the religion but he wants to have church schools and then he says the British fought for religion and we should not force religion on the children. I would like to know whether you are in favour of church schools or public schools?

The WITNESS: I am in favour of denominational schools. Now there should be residential schools where the Indians are nomadic, but there should be day schools where the Indians are stabilized in a particular reserve such as the Six Nations. In Kamloops the Indians are farmers and the children are attending day schools there, but the children should be taken out of the day schools and put into a residential school in that area.

Mr. CASE: Are the day schools to be denominational?

The WITNESS: The schools should be denominational, yes.

Mr. CASE: You are in favour of day schools being denominational?

The WITNESS: Yes, sir.

Mr. MacNICOL: Were we not advised the other day that in British Columbia they did not have denominational schools but that all the schools were public schools?

Mr. CASE: No, we were advised that it would be best.

Mr. HARKNESS: That is what they advocated.

Mr. MacNICOL: I understood Mr. Reid to say the other day something about the Indians in British Columbia being under the public school system.

Mr. REID: I was speaking of the general education of the children there. We have no separate schools in British Columbia and we probably won't have any for some time to come, but the Indians are different. If you are speaking of the Indians, of course there are denominational schools for the Indians under the auspices of the Roman Catholic Church, the English Church, the Presbyterian and the United Church, the latter two particularly. The province as a whole, however, has only one school system.

By Mr. Farquhar:

Q. I would like to ask you a question in connection with what you said about the agent refusing to give an Indian child higher education. That is a very serious matter in my opinion. What was the reason? You said you did

not know what his reason was, but have you any reason why he should not have permitted it?—A. I tried to explore the reason and the only reason that was given to me some years afterwards by the Indian commissioner was that there was a depression and that they were using most of this money to feed the Indians. The reason the Indian agents have given is that there was no money, but I know in this case that there was money. There was \$100,000 a year.

Q. In a matter of that kind could not the council take the matter up directly with the department?—A. No, and I will tell you why. Again I will have to call on my friend Mr. Lickers because of my poor eyesight to read this letter.

The CHAIRMAN: Who is the letter from?

Mr. LICKERS: It is a copy of a letter from Harold W. McGill, Deputy Superintendent General, dated at Ottawa, March 15, 1933.

The CHAIRMAN: 1933?

Mr. LICKERS: Yes.

Department of Indian Affairs,
OTTAWA, March 15, 1933.

Dear Sir:—For some time there has been a progressive increase in the number of letters received direct from Indians on reserves, both by the Honourable the Superintendent General and at this office, concerning matters which should come before the Indian Agent in the first instance. This practice of Indians attempting to deal directly with the department is undesirable as it involves unnecessary waste of time and interferes with despatch and order in the conduct of official business.

Our Indian agency organization is the basis of our administrative system. The Indians should be instructed to bring matters that concern them to the attention of the agents. A preponderance of the letters above mentioned, deal with matters that could be disposed of by agents without reference to the department. Where it is necessary that any matters should be brought to the attention of the department, the proper channel of communication is through the agent.

Henceforth except in special cases, or where the Indian writing is not living on the reserve, all these communications will be returned to the agent concerned, for his files, and for his information and necessary action.

It is essential in every case that the agent inform the Indian correspondent that his letter has been received at the department and transferred to the agent for his reply and action, and furthermore, the Indians should be instructed that in future no communications sent direct to the minister or the department will be acknowledged to the Indian correspondent, but will be referred to the agent.

In instances where special circumstances require that an answer be made direct by the department, a copy will be sent to the Indian agent.

Yours very truly,
(Sgd.) HAROLD W. MCGILL,
Deputy Superintendent General.

Sent to all Agents
and Inspectors, also
Asst. Commissioner Perry.

By Mr. Farquhar:

Q. What is the reason when you have difficulties of this kind, or any serious difficulty that you do not go to your federal member with it? Your federal member can always intercede for you with the Department of Indian

Affairs. The Indians in my riding do that quite often. I am working with the department very often in connection with Indian matters. I should like to know why you do not take those matters up with your federal member?

The CHAIRMAN: I am sorry, but I do not hear.

Mr. FARQUHAR: I can talk louder.

The CHAIRMAN: If you will just address the chair the chair will be very glad to convey it to the speaker if he does not hear it.

Mr. PAULL: The question was why do the Indians not appeal to their member of parliament in that constituency. The answer to that is in what is in that letter. That letter says that any letter an Indian writes will be sent to his Indian agent for the necessary action. Let me give you a very glaring illustration. I wrote to the Hon. R. B. Bennett when he was Prime Minister of Canada. I complained against the action of our Indian agent. That letter which I wrote to the Prime Minister was in the hands of the Indian agent on our reserve and he said, "I am the man who is going to answer this letter which you wrote to the Prime Minister."

By Mr. Richard:

Q. Do you mean to say the letter says that if an Indian has any complaint about a decision made by the agent that the department requests that complaint should be lodged with that agent?—A. That is what it says.

Q. To be dealt with by the agent?—A. Yes. I have complained time and time again against that.

Q. I do not think the department is going to be unreasonable to that extent.—A. They were for many years.

By the Chairman:

Q. You say "for many years". Have you noticed any improvement over the past several years?—A. Since Mr. Hoey came in there has been a great improvement. I was asked the question why I did not appeal to the Indian department against the decision of the Indian agent refusing to allow these children to go to a higher school. My answer was that letter. If I had written to the department the department would have sent my letter back to the Indian agent against whose actions I was complaining. That is the most bureaucratic system there is.

Q. Have you had that occur since 1933? Has that occurred since 1933? Has any similar occurrence happened?—A. It occurred all the time while Mr. McGill was deputy superintendent general.

Q. When did he leave the service?—A. I answered the question. That is why this thing came up.

Q. Do you know when he left the service?—A. Yes, 1944.

By Mr. Case:

Q. I did not hear the answer to Mr. Farquhar's question. Why do you not approach your local member of parliament?—A. The same reason. Even recently the Indians wrote to Mr. Little from Timagami. Mr. Little evidently went to the Indian department for information, and the Indian agent replied for Mr. Little to the Indians. The Indians were complaining against the action of their Indian agent to their member of parliament, and their complaint was answered by the very Indian agent against whom they were lodging the complaint.

By the Chairman:

Q. Is that the Bear Lake matter?—A. Yes.

Q. Mr. Little did take that up with me. I got a lot of information on the matter and gave it to Mr. Little. Is that about the school? They wanted to build a school up there?—A. It was about a new reserve.

Q. That was all done by the members of parliament.

Mr. CASE: He said that the department replied.

Mr. CASTLEDEN: The agent replied.

The CHAIRMAN: I know I replied to Mr. Little and Mr. Little replied. I replied to the Indians there and had some correspondence with them.

Mr. FARQUHAR: That has not happened in my constituency. There were matters came up against the agent when I first came down here to this House, and I went so far as to have him removed from office. They did not write to the Indian agent at all. We arranged to have the office opened and we got a new appointment made.

Mr. BLACKMORE: I would say from my own experience the report which Mr. Paull has given is only too true.

Mr. CASTLEDEN: I would endorse that as well.

Mr. BLACKMORE: There may have been exceptions, but when I first became a member of parliament that was true.

The CHAIRMAN: How long ago is that?

Mr. BLACKMORE: In 1935, when I first became a member of parliament I had experiences which serve as the basis for my remark.

The CHAIRMAN: In Alberta?

Mr. BLACKMORE: Alberta, but it was down in Ottawa. I would suggest that the witness proceed.

The WITNESS: I am glad the question was asked. Thank you, Mr. Farquhar. I am just going to mention this matter of income tax. I have a long brief on that. I hope you will be good enough to read it. It is in No. 21 of the records of last year's proceedings. As to the electric tax imposed by the province—

By Mr. MacNicol:

Q. What tax?—A. The tax on electricity on Indian reserves imposed by Quebec province, and by the dominion. I think I should speak a little about enfranchisement. I think the law should remain as it is. Let it be the liberty of the Indian to become enfranchised if he so wishes.

By Mr. Case:

Q. Have you some thought there will be a change in enfranchisement?—A. In enfranchisement?

Q. Yes.—A. It is physically impossible to give the Indians the franchise. I have not had the privilege of casting a ballot myself because I am not enfranchised, but I understand that you go into a booth and there you have a ballot paper and you mark a cross on the candidate you wish. How are we going to put illiterate Indians in that booth?

Q. My question is do you think there is going to be some change? I have not heard of any change.—A. Well, I am not a prophet and I do not know. I have not heard of any.

Q. Other than voluntary methods?—A. No. While we are on that question I would like to place on the record a decision of the Supreme Court in the United States. I understand that you are going to have a man from the United States come here. This relates to the matter of advertising and I would like to read

a very short extract from a decision of the Supreme Court of the United States; and, I quote:

By the Chairman:

Q. What is the case, Mr. Paull?—A. The Supreme Court of the United States.

Q. What is the name of the case?—A. I am sorry the case is not quoted here.

Q. Is it referred to in the brief here?—A. No, not in that brief; it will be referred to in a brief which will be presented toward the end of the month.

Q. Is that McCandless vs. the United States?—A. I do not know, I am sorry; I do not have the case cited here.

Q. That is all right. That will be fine.—A. I quote:

Such usage is not incompatible with the continued existence of joint guardianship and it may be that the law completely emancipated the Indians or places them beyond reach of congressional regulations adopted for their protection.

I think if you will bear that in mind in making your recommendation it will be of great assistance. That is all I have to say on that.

As to white people on the reservations; I think they should be put off every Indian reservation. They cause a lot of trouble. They try to dictate the policy of the Indians on that particular reserve. They should be put out as soon as possible from all Indian reserves, all the whites who are there, because of the fact that Indian reserves were set up for the sole use and benefit of the Indian, not for the use and benefit of the white man.

By Mr. MacNicol:

Q. I would like to ask you this, how do whites get on the reserves?—A. Well, sometimes the Indian agent allows them there; sometimes the Indian department lets them in there; they get in by peaceful penetration, I guess that's the word. Now there are a lot of white people on the Caughnawaga reserve who went in there and got property, the excuse there was the housing shortage. They are trying to dictate the policy on the Caughnawaga reserve and they cause trouble and should be evicted tomorrow.

Mr. MACNICOL: I agree with you there, the whites should get out of that.

Mr. FARQUHAR: I can answer that question. When an Indian becomes enfranchised he gets a deed to his property and he can then sell it. I know of cases where whites got into Indian reserves in that way, by the purchase of Indian property.

Mr. MACNICOL: What is that?

The CHAIRMAN: What Mr. Farquhar says, as I understand it, is that the Indian applies for enfranchisement, and when he becomes enfranchised the department gives him a plot of ground and he can dispose of that ground in any way he sees fit. If the title has become vested in the Indian then the Indian can deal with it as he sees fit.

Mr. FARQUHAR: I know cases of where they sold property to whites who have gone in there and started in business.

Mr. HOEY: The Indian enfranchised at the present time, at any time since I have been director, if they hold property on the reserve have to dispose of it to a member of the band.

Mr. FARQUHAR: That has not always been true.

The CHAIRMAN: Would Mr. MacInnis care to speak on that?

Mr. MACNICOL: All right, let us hear Mr. MacInnes then.

Mr. MACINNIS: The act still provides for the enfranchisement of an Indian and giving title to his land, but as a matter of policy we don't do that

because obviously it would create an island in the reserve not under our jurisdiction and the situation would be difficult. It is only done in cases where it is practical to do that, that is for instance if the land in question is on the boundary of a reserve adjacent to a white township; then, obviously there would be no problem. But the number of instances where land on a reserve was deeded to the Indian in fee simple is very, very new, there are only three or four.

Mr. REID: Mr. MacInnis, is the situation different in other provinces than where I come from, because where I come from any white man who wants to get on an Indian reserve to purchase land can only do so with the approval of the whole band; and not even the agent can do it, it can only be done with the consent of the Indians when a white man goes on. If it is different in the other provinces I would like to know why it is. In my district for fifteen years we have been trying to get a piece of beach but the Indians have said no. No pressure has been brought upon them and the white man not only cannot go on but he can be put off. I am surprised if it is any different in other provinces, because I know where I come from the Indian has all the say as to whether any person gets on the reserve or not. No Indian agent would force an Indian to allow a white man to get on.

Mr. CASE: Mr. Chairman, the witness is complaining about the province from which Mr. Reid comes.

Mr. REID: I am telling you the facts, where I come from, just what conditions are.

Mr. FARQUHAR: Mr. MacInnis has a statement he wants to make.

Mr. REID: That is a matter which will have to be threshed out later.

Mr. MACINNIS: I was just trying to say that there are two ways in which an Indian gets land. When he is enfranchised and he gets a plot of land deeded to him and he has complete control of it and can do what he likes. The other case is where a band surrenders a piece of land for sale.

Mr. MACNICOL: Mr. MacInnis, if an Indian wants to dispose of his land which he owns, could he not be compelled to sell it back to the band? Why could it be sold to a white man?

Mr. CASE: Because he is the owner.

Mr. MACINNIS: That is the policy of the department, to have it bought back by the band.

The CHAIRMAN: That is the policy of the department. All right, Mr. Hall, if you will carry on.

The WITNESS: Honourable Mr. Chairman, and honourable members of the committee, I ask you to recommend to parliament to delete from the Indian Act that section which authorizes the Indian agent to be a magistrate. No Indian agent should exercise the powers of a magistrate.

Mr. CASE: You would let the Indians have access to the regular courts?

The WITNESS: Yes. The Indian agents act in so many capacities in the internal affairs of the Indians that they should not be magistrates. A man in that position should not act in the capacity of a magistrate.

By Mr. Richard:

Q. You mean he is not in a position to be impartial?—A. No.

By Mr. Lickers:

Q. Are there any instances of that in B.C. at the present time?—A. I will give you an instance in Vancouver. An Indian woman came to my home in North Vancouver on Sunday and told me that her husband was in jail in

Vancouver, that they came over there and tried to get him out because he was the skipper of a seine boat and he had to go out the next day. I went over there and I found that I could not get him out on bail because he was held for the Royal Canadian Mounted Police. Then I went over to the Royal Canadian Mounted Police and asked them what the bail was and they said they could not set bail because the Indian agent had to be consulted. The Indian agent was at his summer camp. I asked if he would let the commissioners set bail and he said no. I asked him if he would let the inspector of Indian agents set bail and he said no. The next day was Labour Day. It was Tuesday before I found there were four or five Indians who could not get out from the Saturday until the following Tuesday because the Indian agent was away. One of them had just got off the train after being overseas for two or three years. He had been wounded quite badly. He bought himself a bottle. The Indian agent found him on the street and arrested him. He was put in jail. This was a nice how-do-you-do for me to try to overcome.

I am not a lawyer, but I ask any lawyer in this House to show me an law whereby anyone who is arrested can be held for the R.C.M.P. and not be able to get bail.

By Mr. Richard:

Q. You must go to the magistrate who arrested him to have bail, and the same thing applies to the white man as well as to the Indian.—A. It was the Indian agent.

Q. The white man would have to go to the magistrate the same as the Indian?—A. But the white man has no Indian agent.

While we are on this subject may I say you know, as a man learned in the law, that part of the Indian Act which says an Indian shall be arrested while he is in a state of intoxication. I am sure you, Mr. Chairman, a man learned in the law, would know the legal definition of those words, "In a state of intoxication".

The CHAIRMAN: I have had no practical experience recently.

The WITNESS: We do not have to have practical experience. I suggest we experience that happy feeling to-night, if someone will provide the necessary ingredients. An Indian can be arrested for intoxication just because a policeman smells his breath. An Indian can be walking straight, but because his breath smells of liquor he is arrested and he is fined. Just because an Indian's breath smells of liquor, he is not in a state of intoxication according to the legal definition of those words. Now, a man who is in a state of intoxication is a man who is full of enthusiasm. He may stagger a little bit, but he can navigate.

There is another section of the Act which says an Indian shall be penalized if he is drunk. When a man is drunk, he is absolutely incapable of movement. He is lying in the ditch or some place. He cannot move. I should like to get this committee to have the legal definition of those words, "In a state of intoxication", made known to all the magistrates in Canada.

By Mr. Richard:

Q. The white magistrates too?—A. Because many Indians have been fined when they have not broken the law.

By Mr. Lickers:

Q. Just on that point, are you then in favour of abolishing the provisions in connection with liquor as they are set out in the Indian Act, thus affording the Indian on the reserve the same rights and privileges as anyone in the province so far as the liquor regulations are in the province?—A. I throw that right in the lap of the government of Canada. That should be a matter of policy.

for the parliament of Canada. I will convey this information to you; I have asked men in all walks of life, magistrates, policemen, chiefs of police, men of all sorts, and they say, "Let the Indians have their liquor." They say if he abuses the privilege, then prohibit the sale to him the same as is done in the case of a white man. I asked a man who was learned in the law and he said, "The government should first try to reform the white man before trying to reform the Indian."

By the Chairman:

Q. Now that you have said that, would you care to answer the question Mr. Paull?—A. The question, I am ready for it.

Q. The question was asked by Mr. Lickers.—A. The question is, am I in favour of deleting this section of the Indian Act?

Q. Are you in favour of applying the law of the province?—A. To the Indians, the liquor law?

Q. Yes.—A. Yes, that is my personal opinion.

By Mr. Richard:

Q. You mean to say the same rule should be applied so far as intoxication, drunkenness is concerned, as applies to the white man?—A. Yes, my personal opinion would be the Indian should have his liquor the same as anyone else.

By the Chairman:

Q. As provided by the law of the province?—A. As provided by the law of the province. I think it is significant that last year there were nine Indians charged either with murder or manslaughter. I assisted in the defence of three of them who are out, and the rest are in jail. This is an example, gentlemen, nine cases out of a population of 25,000 charged with either murder or manslaughter. Now, there were not nine white men charged with these capital offences in British Columbia. These cases happened in the interior of British Columbia where they did not have access to beer parlours. They could not procure good liquor as easily as the Indians on the coast. I am not going to try to tell you something out of school. I must try to place the facts before you. Those cases happened in the interior of British Columbia where they secured lemon extract, rubbing alcohol or something like that, whereas the Indian who could sneak into the beer parlour or the liquor store and so forth, drank more beer, but there was no crime amongst those people. Of course, we were breaking the law on the coast, but we got by somehow.

A policeman told me that if the Indian got his liquor permit and was able to purchase liquor the same as a white man, a lot of white men would have to go to work.

Now, I concur with Mr. Saylor that the Indian should be allowed to appeal to the courts. I will give you an illustration of a case which happened in British Columbia last year. There was an Indian woman who had been willed property on one of the reserves by her grandfather. The will was approved by the Department of Indian Affairs. Later on, a rifle range was built on this reserve on the property of another Indian who had about twelve dairy cows. A place had to be found for him. The Indian agent thought this, "Well, now, this Laura James is a trespasser here; she has no right to be here under subsection (3) of section 25 of the Indian Act." He put her in jail. He told her to get off the reserve and she refused because that was the only home she had, this home which was left to her by her grandfather's will which was approved by the department. She refused to go. She was intimidated and everything like that. Finally, they threw her in jail.

The case went to court. Counsel for the defence argued this case should have been proceeded with according to the provisions of section 36 of the Indian Act which required the consent in writing of the superintendent general. Only on the consent, in writing, of the superintendent general, could this woman have been evicted. Counsel for the prosecution argued that she was being evicted under sections 115 and 116 of the Indian Act. Counsel for the prosecution further contended that section 36 did not apply at all. It had nothing to do with this case. The lawyer for the defence argued the other way, that section 36 was the provision which should have been used. The magistrate in Chilliwack who heard this hesitated. He said, "I am going to find you guilty under section 115." Counsel for the defence reached down in his pocket and said, "I am going to pay the \$5 fine under protest." The lawyer for the prosecution got up and said, "No, you cannot find her guilty under section 115, you must find her guilty under section 36." Then, the judge did what the lawyer for the prosecution told him to do, he found her guilty under section 36 under the provisions of which there is no appeal.

Now, this woman has been thrown on the street. There is no place she can go. The Indian agent has thrown her on the street. We have no court to which we can go. I am appealing to this honourable committee to have this woman put back on her property on which she was supposed to be according to the will of her grandfather. The money which is there now should be given to this woman as rent, not as the purchase price of this land. The Indian agent said her land was only worth \$30 an acre. It was to be bought for \$30 an acre yet, in cross-examination he admitted it would take \$100 to \$200 to acquire that very spot. He exercised the authority of his office to try and force this woman to try and sell her land for \$30 an acre. I say to you honourable gentlemen such a situation should not exist in Canada, and I appeal to this august tribunal to see that justice is done to this woman. She is in a bad predicament now; she has got no home; she is running around; she cannot go on the reserve because she will be thrown into jail again. I ask in the name of justice that this woman be put back and the money, amounting to about \$1,300, be paid to her as rent.

By Mr. MacNicol:

Q. Are any of the particulars in the hands of the department here?—
A. They are.

Q. And the name of the woman?—A. I have the file of the whole case right here if anybody wants to look at it.

Mr. BLACKMORE: How long ago was this done?

Mr. MACNICOL: Let us get the file number on the record.

Mr. LICKERS: This was held on May 3, 1944. The case is Rex vs. Laura James, and it was heard in the municipal court of Chilliwack before the presiding magistrate, Mr. P. H. Wilson.

The CHAIRMAN: Are you going to give a reply, Mr. Hoey?

Mr. HOEY: No, it has not come before me.

Mr. LICKERS: This is rather long, but I can read it to you. This is the statement by the court:—

Court: Considerable has been mentioned about procedure, about the warrant. However I feel that if the accused came before the Court my only duty is either to convict or dismiss on the evidence before the Court.

These Indians of course, as we know and recognize, are wards of the government. Reserves have been set aside for their benefit, allotted for the different bands and the accused Laura James is certainly a member of the Squiala Reserve and Squiala Band by reason of her

marriage (Sec. 15 of the Indian Act). Much has been said about Tzeachten not being a reserve. It is certainly recognized as a reserve. It has been allotted a number, 13, according to the evidence, and a separate account for the benefit of these Indians on the Tzeachten Reserve is kept at Ottawa so that I can only recognize it myself as being a reserve.

Evidence of course has been produced that Laura James was residing on this Tzeachten Reserve, and I may say further, too, that I am not concerned about the sale of the land or the price arrived at. The only question is the trespass of this woman, Laura James, on the Tzeachten Reserve. And she, being a member of the Squiala Reserve, I can only adjudge her guilty of this offence.

Penalty first set under Sec. 115 of the Indian Act; changed to Sec. 36. Imprisonment for one day, the time already served. Costs to be borne by the department. Permission given, on mutual undertaking, to take Exhibits out, same to be brought to Court if Appeal made.

By Mr. Richard:

Q. Do you find that the Indians have difficulty procuring counsel to fight their rights in court?—A. Yes, sometimes they have; especially on capital charges they have to appeal to the Indian department, and they sometimes secure counsel from the Justice Department for murder cases only. They will not secure counsel on a lesser charge, only a capital charge. Now there is some dispute going on between the dominion and the province as to who is to pay for these counsel that Indians get. If you will ask Major MacKay where he will tell you about that. Is Major MacKay here?

Mr. HARKNESS: I suggest, Mr. Chairman, that we hear the witness. He has only got about twenty minutes left, and we can hear Major MacKay later. I do not think the witness realizes that his time is so short.

The CHAIRMAN: I might also tell you that Major MacKay is leaving on Friday of this week and we will not hear him unless we devote some time now.

The WITNESS: This is a rather important question about who is to pay counsel for the Indians, and it is a big enough subject to deserve the attention of this committee and I think you should hear Major MacKay.

Major MacKAY: Mr. Chairman and gentlemen, as I understand the matter, the Indian is in the same classification as a white before the courts. In other words, if an Indian appears before a court and if he has not the funds to pay or counsel the province is responsible for providing such counsel. I believe the only exception is in the case of a murder charge. Not long ago there was a case before the Supreme Court of British Columbia, and the presiding judge complained that the Indian was not represented by counsel and intimated that it was the responsibility of the Department of Indian Affairs to provide counsel. He wrote me in connection with the matter and I communicated with the department and they gave me the policy as they understood it. I believe that the policy was set out by the Department of Justice. Now, Mr. MacInnis is here and he can elaborate on that information; but the position the department has taken, in so far as I am concerned, is that Indians before the courts are in the same position as whites in similar circumstances; in other words, whites or non-Indians who are not able to pay the costs. Probably Mr. MacInnis can tell you something about this.

The CHAIRMAN: Probably we could hear Mr. MacInnis at some other time. We had better permit Mr. Paull to continue.

The WITNESS: Yes. I appreciate very much the improved efforts of the Department of National Health and Welfare concerning the health of the Indians. Now, we had some serious trouble in that regard a few years ago.

Indian women were refused admittance into hospitals at the time they were giving birth to children. I hope we can be assured that that kind of condition will not happen again, because many Indian women died, especially on the west coast, because they were not hospitalized.

By Mr. Castleden:

Q. How long ago was that?—A. Within two or three years. There was an Indian woman brought to the hospital and when she went to the hospital she was told that the Indian agent had given instructions that no Indian was to be admitted to hospital as an emergency case.

By Mr. MacNicol:

Q. What Indian agent?—A. Of the west coast agency. Do you want his name?

Q. Yes.—A. P. B. Ashbridge. He is not in the service now. He is superannuated. I do not want these things to happen again anywhere in Canada. That is why I thought it was my duty to mention this. This woman went to a rooming house and delivered one child in a room all by herself. She was in great pain. She went outside into the corridor, crawled out and she was assisted by two loggers to deliver the second child. Luckily those two children are living today. I have another case about two young women who were having their first child. They were advised by their people to go to the hospital. Her people feared that they were going to have trouble. They came from Nootka to Port Alberni, which is two hundred miles by fishing boat and when they arrived they were refused to be taken into the hospital. They went back and as the Indians suspected, these two girls died.

By the Chairman:

Q. When was this?—A. Within the last two or three years.

Q. When was the first case?—A. I mentioned that in the complaint which I lodged with Major MacKay.

Q. When?—A. Within two or three years, and when Dr. Moore was there I asked for an investigation on this matter. The doctor in question quit rather than face the investigation. Now, these things have happened recently, within two or three years, and the situation has been improved, but I do not want such a situation to happen again to any Indian woman anywhere in Canada.

Now, this same doctor attended an Indian woman in a wigwam and he was in a hurry. He would not take her to a hospital; he looked after her in a wigwam, and he used his hands to force the child out, and he was in such a hurry to get away that he put his knee on her stomach to force the afterbirth and when she hollered in pain he slapped her on the face.

By the Chairman:

Q. Were you there at this time Mr. Paull?—A. I beg your pardon?

Q. Were you there in attendance at the time?—A. Certainly not, how could I be there?

Q. Well, how do you know?—A. The Indians have complained to me.

Q. Somebody has told you?—A. Yes. They told me, and they laid complaints with the proper authorities, with the Indian commissioner. They asked for an investigation.

Q. When was that?—A. I have not got a copy of my letter, it is lodged with the Indian commissioner in Vancouver.

Q. All the complaints are in that letter?

Mr. FARQUHAR: Did you get an investigation?

The WITNESS: No, the doctor quit and they never had the investigation. Now Indian women are not deserving of that kind of treatment on the West coast or anywhere in Canada and that is why I want the sympathy of this committee in order that such instances do not happen again.

The CHAIRMAN: Might I ask a question? Dr. Moore is in attendance, and Mr. MacKay. Do you gentlemen know of these cases?

Mr. MACKAY: I have not any recollection of a case of that kind ever coming before me. If it has occurred, certainly the facts will be on the file in the department. If Mr. Paull would be a little more specific mentioning names and dates, we could probably trace the file and place it before the committee for consideration.

The CHAIRMAN: Do you know anything about this Dr. Moore?

Dr. MOORE: I know there were some complaints about our medical service and I have some recollection of this case.

The CHAIRMAN: You could tell us about that later.

Dr. MOORE: Yes.

The CHAIRMAN: Would you care to continue, Mr. Paull?

Mr. FARQUHAR: The fact that the doctor left would not prevent an investigation.

The WITNESS: I asked for an investigation and Mr. Moore was in the office of the commissioner. I made my appeal for an investigation to both Dr. Moore and the Indian commissioner, Major MacKay, at the same time. Both of them were there and I handed each of them a copy of my letter and that letter will be available in Vancouver. Mr. Moore might even have it here.

Mr. MACKAY: I am not suggesting that the complaint is not valid but I cannot recall the details. Certainly I cannot recall a case of that character, but Dr. Moore says he recalls that a complaint was made to him, but just what the nature of the complaint was I cannot recall.

The CHAIRMAN: Could you give us the names Mr. Paull?

Mr. PAULL: I would have to refer to the letter.

The CHAIRMAN: You could give us that by correspondence.

Mr. CASTLEDEN: What was the doctor's name?

The WITNESS: The doctor's name was Jones. There was a prior complaint on that which brought to the city of Port Alberni the medical superintendent of the Department of Indian Affairs. That doctor's name was McQuarrie, Alex. McQuarrie. There was a large meeting of Indians and I was called there. The Indians complained about the treatment given to this Indian woman who died in this wigwam. Dr. McQuarrie just defended the other doctor and we did not get anywhere with the complaint. Although the woman died we could not get anywhere. The reason I mention these things here is because we do not want such things to happen again anywhere in Canada.

Now, as you have told me, Mr. Chairman, I have only ten minutes. Do you want me to carry on or do you want to cross-examine me?

The CHAIRMAN: That is entirely up to you, Mr. Paull.

Mr. BLACKMORE: Suppose we let the witness decide if he wants us to ask questions.

The CHAIRMAN: Well, he has asked us that. If any member of the committee wishes to ask questions it will be in order.

Mr. CASTLEDEN: There are one or two things that I would like to ask before the witness closes. The first is with respect to the Brotherhood. Is this organization which you represent, of which you are the head, the North American Brotherhood of Canada or the Canadian branch of the North American

organization? Would you clear that up? There was some question raised about it the other day.

The WITNESS: We are independent of any other national organization. We are the North American Indian Brotherhood, in Canada. We are affiliated with any organization in the United States, nor with any national organization. I have been advised by my legal advisers to try and conduct this organization along the plans of the British Commonwealth of Nations and I have been advised by my legal advisers to try and make our organization a commonwealth of Indian nations of Canada. There is no dispute among the Indians that it is created because of religion. We do not want anything like that. We have Indians in different denominations in our organization. We do not want anyone to try to split us up because of religion, and so forth. That sort of thing does not enter into the mind of the Indian at all.

By the Chairman:

Q. I note your letterhead has on it, "Grand Council, North American Indian Brotherhood." Is that not correct?—A. That is right.

Q. Is it Grand Council, North American Indian Brotherhood of Canada?—A. Of Canada. Mr. Castleden asked me if we were affiliated with organizations in the United States, and I said, "No".

Q. He did not say the United States. He said an American organization.—A. He mentioned the name of an organization in the United States.

Mr. CASTLEDEN: No, there was a question raised yesterday. It was stated this was the North American Indian Brotherhood and it was said it had offices in the United States. I wanted to clear that up so that the committee would know yours is a purely Canadian organization.

The WITNESS: Unfortunately some of the relatives of the Six Nations and the Indians living across the border have friends on the other side of the line which the white people put between the Indian and the Indians did not make. There are some international problems. There is the money due to the Indians in Canada and in the United States under the Pottowatomie treaty. Because of the effort of the Indians in Canada and their relatives in the United States to try to obtain fulfilment of the payment of treaty moneys under the Pottowatomie treaty we have some of these Indians on the other side of the line.

By the Chairman:

Q. I also notice on the executive board you have two members who live in the United States, Angus Horn and Chief Blue Cloud.—A. Angus Horn is a member of the Six Nations.

Q. He is on the executive board of your organization?—A. He is on the executive board of our organization.

Q. Then some of your members are residents of the United States of America?

Mr. BLACKMORE: He is explaining that now.

The WITNESS: I am explaining that Angus Horn is a member of the Six Nations. He was nominated on our executive by the Six Nations hereditary grand council.

By the Chairman:

Q. That does not answer my question. You have members in the United States and Canada. I think that is the point.—A. He is an Indian who is working in Detroit. That is where he gets his mail. That is why his address is given as Detroit. That is where he receives his letters in case anybody wants to write to him.

Q. He is a United States citizen?—A. No, no, he is a Canadian citizen working in the United States.

Q. He lives in the United States?—A. Yes.

Q. Chief Blue Cloud lives in the United States?—A. He is an American Indian, but Angus Horn is a Canadian Indian.

Q. I do not think we need to pursue that any further.

Mr. CASE: It does not weaken your organization at all.

By Mr. Castleden:

Q. The other question I want to ask is whether you have a constitution for your organization?—A. Unfortunately I spent a lot of time and hired a lawyer to prepare our constitution, but my legal adviser, Mr. Murdock, told me "Do not have any constitution. The greatest organization in the world, the British Commonwealth of Nations, has no constitution. Do not have any constitution." That is what Mr. Murdock advised me so we have no constitution. We have been advised by our legal advisers to pattern our organization along the lines of the British Commonwealth of Nations.

By the Chairman:

Q. Is Mr. Murdock a lawyer?—A. Yes, he is. He appeared before the Privy Council recently.

Q. Of what bar is he a member?—A. Ontario.

Q. I do not think he is a member of the Ontario bar.

Mr. CASTLEDEN: He used to be.

Mr. HARKNESS: It does not matter whether or not he is.

Mr. BLACKMORE: Let us hear the witness.

The WITNESS: Another matter that I have been asked to bring to the attention of this committee is the difficulty that the Indians of Nanaimo have been experiencing for many years.

In the year 1927, Duncan Campbell Scott, then Director General of Indian Affairs, told Mr. Kelly and myself in his office, watch out for the Nanaimo Indians, they have a lot of money coming to them. They were supposed to receive royalties from the coal which is dug out of their reserve—they had lots of money coming to them and you want to see that they get their money. These Indians and myself have been trying to have an investigation into this matter for years but we can't get anywhere. We have tried to get a lawyer, we tried to pay a lawyer out of band funds. The Indians came to me only two weeks ago and asked me to go to Nanaimo, and they said that the officials of the Indian department had hindered them in their efforts to get the services of a lawyer. Those complaints that I had made to me, it is difficult sometimes to get a lawyer. These Indian agents have hindered their efforts. Now, the railroad built through this reserve up to this coal mine. The Indians never consented to this railroad. I have letters here dealing with that. It would take a long time to go into it. The reason that I mention that, that the Indians have been hindered by the officials of the Indian department in getting a lawyer—now, what can we do? We can't get a lawyer. We go to get the band funds. Gentlemen, I appeal to this committee to try to open the door in some way so that we could go to some tribunal and get justice. They claim they have lots of money due them as royalties. They claim this railroad is in their reserve for the benefit of this company, that it is put in there without their consent, that it went through their gardens, smashed their fences, and so on; and they haven't got any money out of it from this railroad.

Mr. MACNICOL: We will inquire into that, now that we have the evidence.

Mr. CASTLEDEN: How does he mean, the department stopped them?

The WITNESS: Mr. MacKay can tell you that.

Mr. BLACKMORE: I suggest that the witness proceed.

The WITNESS: If you will help these poor Indians they will appreciate it very much. And now, the last time I was in Ottawa, just before I left the band, the Indian agent addressed the council at the Squamish reserve, that is where I live, and he said, I have a circular letter from the Department of Indian Affairs instructing me to admit all illegitimate children. My brother who is a member of the council asked him to produce that circular letter. He said that there were other things written on it and he had not brought it with him. I asked Mr. Hoey if such a circular letter had gone out to all Indian agents. Mr. Hoey replied that he had no knowledge of it and told me to go and see Mr. MacCrimmon, the man in charge of records. Mr. MacCrimmon looked through all his files for my tribe and there were no copies there, and I understand from the department here in Ottawa that no such letter had gone out. Well, that Indian agent admitted some illegitimate children to our tribe and there are lots of other illegitimate children there but we do not know why they did not get in. I think it is the lowest type of trick. The Indian agent had no such letter to tell a properly constituted Indian council, a council constituted under the Indian Act, that he had received an official document from the department here at Ottawa commanding him to admit illegitimate children. Now, because of this statement some of these illegitimates have been admitted and are now members of the band, receiving distribution money and all the benefits of the tribe. There are other illegitimate children who haven't got in. I think there should be an investigation among the tribes not only in British Columbia but throughout the whole of Canada. I believe there should be an investigation every ten years for the same reason that you take a census of the people of Canada every ten years. I think it is a very necessary thing because the Indians who are admitted into the tribe receive all the benefits from the band fund if that band has any fund. We say no Indian agent has the authority, on his own, to admit anyone into membership in the band. This right should remain vested in the majority of the band; that is the way all the Indians in Canada want it. This authority should not be conferred upon an Indian agent and no Indian agent should usurp that authority. I ask the members of this committee to take particular note of that Indian agent in saying he had received a letter which was never written.

The CHAIRMAN: Do you wish to ask a question, Mr. Reid?

By Mr. Reid:

Q. I should like to ask how many members are in Mr. Paull's organization in British Columbia or in Canada. I think it is important to know that in view of the representations made by the Native Brotherhood.—A. In British Columbia. I think before the end of this month we will indicate to you there are about 15,000 Indians in British Columbia who are looking to my organization for guidance, leadership and so forth.

By the Chairman:

Q. Are they paid up members?—A. They are paid up in British Columbia. We have organizations co-operating with us. They are organizations by themselves and then they co-operate with us. We do not deal with some of the people as members, we deal with them as organizations, you see.

The CHAIRMAN: It is now eleven o'clock, gentlemen, and I am afraid we will have to bring this hearing to a close. Mr. Paull, on behalf of this committee, I wish to extend to you our appreciation for your attendance here. We regret very much that you were not able to be here yesterday to be heard. We have extended

to you this extra session to-night from nine until eleven o'clock which is the same as an extra day. We appreciate there are many other things which you wish to tell this committee, but I do not think it would be of assistance in the revision of the Act. We have the brief you presented last year and the brief you have presented this year. We feel sure they will be of great help to us in revising the Act. I should like, on behalf of this committee, to extend to you our appreciation for coming here.

The WITNESS: Honourable Mr. Chairman, before I close my remarks, I wish to say this; I have been asked by the Indians of Ontario to remain here, to be with them and listen to them when they present their evidence, so I will be here. If this committee in its wisdom thinks I can be of any assistance at that time or any time while I am here, I will be pleased to give any evidence or information you desire. I have many more things to say, and I am more than angry at the Canadian Pacific for making me lose one day here. I appeal to you, if you can find the time, to let me appear before you again; I would certainly appreciate it.

The CHAIRMAN: You understand our position, Mr. Paull. We have Saskatchewan Indians coming on Thursday and Friday. We have no time left, at the disposal of the committee, for hearing anything further from the North American Indian Brotherhood. We regret it very much, but there is nothing we can do about it.

The WITNESS: I thank you very much for the time you have given to me.

The committee adjourned at 11.05 p.m. to resume on Thursday, May 8, 1947, at 11.00 a.m.

APPENDIX EQ

GRAND COUNCIL

NORTH AMERICAN INDIAN BROTHERHOOD

Office of Executive Board Member

August 19, 1946.

*To the Special Joint Committee of the Senate and the House of Commons,
appointed to examine and consider the Indian Act, House of Commons,
Ottawa, Ont., Canada.*

HONOURABLE GENTLEMEN:

Re: Irrigation and Grazing Lands in B.C.

I take the liberty to place this important matter of irrigation and grazing lands before your honourable committee in a preliminary way, as our President Mr. Andrew Paull will place the matter before you when he next appears before your committee.

A grave injustice has been imposed upon the Indians, by the manner in which we have been gradually denied the use of water and grazing lands, as we had formerly enjoyed in the past.

Before the coming of the white men, game abounded in these grazing areas as well as berries and roots which provided us with food.

When these disappeared my grandfather had stock which grazed on these areas, to replace the wild game that were then depleted, and my family have had stock for the last 60 or 70 years.

When our Indian reserves were allotted by the Joint Reserve Commissioner representing the two governments, the use of water from adjoining streams of those that flowed through our lands, were especially allotted to us, in the same way as the Indian Reserves were allotted to us.

We have not received the protection from the Indian Department in maintaining these waters, in the dry belt of B.C.

When the Government of Canada transferred the natural resources to the B.C. Government within the Railway Belt, they transferred with it the water that had been guaranteed to us, and reserved for us; and now B.C. administers these waters and also the grazing areas.

This grave injustice is a violation of our inalienable natural and civil rights as human beings, which also contravenes the dignity, the sanctity and eternal destiny of human beings, which no one, no matter how powerful, can violate without inflicting a grave injustice.

When British Rule was first established in B.C. Her Late Majesty Queen Victoria decreed in an official despatch to Governor Douglas, to the effect,

That when the advancing requirements of colonization encroach upon lands occupied by that race, measures of liberality and justice should be pursued in compensating them for the lands which they have been taught to regard as their own.

These lands which we regarded as our own have been taken away from us as well as the water, because nothing can grow in our country without water.

which has been gradually taken away from us by the rapacious hands of the white men, who ever seem to advantage themselves while the Indian Department fails to act in the protection of our legal rights.

A decision of the Supreme Court of B.C. was rendered, against our rights to the water, but again we were dealt an injustice when we were not privileged to be represented at the hearing to decide our water rights. This is a violation of British Justice, when a court is held in the absence of the principals. Mr. Paull will deal with matter more fully when he appears before you.

When the Indian Reserves in the dry belt were allotted about the year 1877 and the years that followed, it was even then recognized that water was needed for the very existence of the Indians, as without water, nothing can grow. The white men depleted our wild game; then we had to raise stock, and plant vegetables for our very existence; then the white men came along and took the water which had been guaranteed to us by the two governments in the first place. Our very existence for the future is endangered, as our country becomes populated until by their greater numbers, we will eventually become extinct through T.B. and other diseases.

My late father Chief Batiste George in the year 1911 with other Chiefs visited the Government of B.C. in Victoria on the Indian land question, also the Indian Commissioner when he asked that the water be regimented so that the Indians can farm their lands.

When the Royal Commission on Indian Affairs (1913-1916) went through our country the Chiefs and delegates asked for the water to be brought to their farms. I myself have been asking the Indian Commissioner for the last thirty years to instal irrigation schemes on the reserves. He always told me, "Alright, next year" but next year never came. That was the late W. E. Ditchburn.

When Mr. James Coleman was our Indian Agent he asked for the water but Mr. Ditchburn told him, not to ask for the irrigation schemes. While the Chief's have been asking the Indian Department officials for the installation of irrigation schemes, the white settlers were busy telling the Indians not to have the irrigation schemes installed on their reserves, as it would prejudice their Aboriginal Rights. Much trickery was used to prolong action by the Indians.

By this delaying action, the white people then went to the B.C. government and said, "The Indians are not using the water, so let us white people use the water that was formerly allotted to them."

It was only when I threatened to go to Ottawa that a start was made to bring the water to my reserve, but the work is not yet finished, but lots of excuses are advanced for the delay, including the complaint that my Indians did not want to work. Of course they could not move the big boulders.

There is a big irrigation ditch going through my reserve for over five miles or which no rent is paid. Just before it reaches the city of Oliver B.C. there is a spillway, from which water escaped naturally, but these have been sealed so that my cattle cannot get water even to drink.

I asked the Irrigation Agent if I could put a flume to this spillway long enough to irrigate about forty acres of my land. He gave me permission and I spent nearly \$600 to build a wooden flume. But another Irrigation Agent came, and he wanted to buy this forty acres. I told him I needed the hay badly and could not sell it. Because of this he sealed the spillway, and now my flume is going to rot, my forty acres are not producing any hay.

Many Indians have been tricked of their water, so now they are permitted to only use the excess water if there is any. It would take too long to tell me many things that have been done to stop the Indians from using the water,

so that no irrigation scheme would be installed. There is lots of trouble about this water being taken right from within the reserves, and piped to white men's farms, often without the consent of the Indians.

We could tell you lots of how we have been fooled and denied the water which we have been asking the Indian Department officials for over thirty years, but all we got was promises.

This whole matter should be investigated, with the Indians given a chance to make the necessary information available, and they should be represented on any board making the investigation.

I recommend that the sum of \$50,000 be spent in each year for the next five years for the installation of irrigation schemes, and salvage what may yet be available, without any loss of time, before it is impossible to get any water, as many settlers are coming into the country.

The white people say that we do not make use of our lands, and that these should be taken away from us. Well we cannot grow anything without water, and the trickery of these very same white men have stopped us from getting the water to make use of our lands.

When the Indian Reserve Commissioner was allotting the water and the land, he told the chiefs, that in time there would be no more game, berries and roots for the Indians to eat, so he was going to give them water as well so that they could do as the white people will be doing, and use the water to plant their food on their lands.

But in many cases the white people have now diverted the streams that formerly flowed through our reserves, and there is no more water that gave natural irrigation to our lands, and it is impossible to find drinking water for our stock, because the streams that formerly flowed through our lands are now dry, because the white people have diverted the water to their own land, under the administration of the Government of British Columbia and this is criminal because it denies the Indians of the very rights of human beings to exist and live in their own country.

Our grazing lands have gone the same way. These have been acquired by rich people who have bought the land from the government, and who pay the government for the grazing rights. When they acquire the grazing rights, they chase our cattle away from the lands which Queen Victoria spoke of as "Lands that we have been taught to regard as our own".

Many Indians do not understand why they must pay a grazing fee for the use of the territories which they have never surrendered to the Crown, in the same way as territories which were surrendered by the Indians by a Treaty for which they receive annuities.

Because of this difficulty, I recommend that you bring into action the recommendation of the Indian Commissioner to the Indian Department, that the sum of \$1,500.00 in each year be taken from the Special Grant and paid over to the B.C. Government for the grazing privileges of the Indians.

We have an inherent right to these grazing areas. We as human beings, and aboriginals of the country are inseparable from the grazing areas and the water for irrigation purposes, because of the very character of the country.

Why should a government remain inactive as our trustees, and allow these requirements to be taken away from us.

Why should a government, or two governments legislate that some of the people in this area can have water while some must not have any water on grazing lands.

We have been pleading and pleading for these things for many many years. When we ask the Indian Department officials here, why the Indian Department does not do anything, they tell us that the Indian Department officials at Ottawa KNOW NOTHING about irrigation and grazing, and because they do not understand these things, is because they do not think that we need it.

The scope and success of a stock raiser in this country is limited to the area he has as a grazing land. We are hemmed in and surrounded in many places by rich men who have bought the grazing lands that our efforts are now very limited, because we have not enough grazing lands.

Water for domestic purposes is badly needed, and assistance in the fencing of the reserves is also needed.

On behalf of the Indians residing in the dry belt of the province of B.C. I most sincerely pray that your honourable committee will take the necessary action without loss of time to bring about a proper adjustment of the injustices that have now been imposed on our people, and to this we will ever pray.

Respectfully yours

Chief Narcisse B. GEORGE

Executive Board Member

North American Indian Brotherhood.

P.S.—We have tried to be good people, during the last war my father bought \$21,000 of Victory Bonds to help our white brothers in the war.

APPENDIX ER

INDIAN AFFAIRS IN BRITISH COLUMBIA

The native Indians of British Columbia are in a different position than the rest of the Indians in Canada in that no treaty was signed between the Indians and the Crown, and because they have not surrendered their aboriginal rights. Before the coming of the white man there were many sovereign powers represented by a number of tribes in certain well defined areas.

During the month of October in the year 1763, King George III issued an Imperial Proclamation defining the manner by which the Crown was to take possession of the country east of the Rocky Mountains. Despite executive and legislative action by the Governments of Canada and that of the Province of British Columbia, they have failed to extinguish the native title to the lands in British Columbia as declared by her late Majesty Queen Victoria.

The policy to be pursued by the Colonial Government was contained in an official despatch under date of July 31, 1855, which we quote:—

3. I have to enjoin upon you to consider the best and most humane means of dealing with the Native Indians. The feelings of this country would be strongly opposed to the adoption of any arbitrary or oppressive measures towards them. At this distance, and with the imperfect means of knowledge which I possess, I am reluctant to offer, as yet, any suggestion as to the prevention of affrays between the Indians and the immigrants. This question is of so local a character that it must be solved by your knowledge and experience, and I commit it to you, in the full persuasion that you will pay every regard to the interests of the Natives which an enlightened humanity can suggest. Let me not omit to observe, that it should be an invariable condition, in all bargains or treaties with the natives for the cession of lands possessed by them in some other shape and above all, that is the earnest desire of Her Majesty's Government that your early attention should be given to the best means of diffusing the blessings of the Christian Religion and of civilization among the natives.

In Colonial days the title of the Indian Tribes was fully recognized by the Imperial Parliament, by the Imperial Government and by the Colonial Authorities, as is shown by the following facts:

In Accordance with the Proclamation issued by King George Third in the year 1763, the Imperial Statutes by which the Colonies of Vancouver's Island and British Columbia were established (12 & 13 Vict. C. 48 and 21 & 22 Vict. C. 99) describe the territories included in the Colonies as being parts of the "Indian Territories".

On 6th February 1861 the House of Assembly of the Colony of Vancouver Island addressed to the Secretary of State for the Colonies Petition relating to the purchase of the lands of the Indians, from which the following words are quoted: "That the House of Assembly respectfully considers that the extinction of the aboriginal title is obligatory on the Imperial Parliament".

From the Despatch of Secretary of State for the Colonies replying to that Petition dated 19th October 1861 the following words are quoted: "I am fully sensible of the great importance of purchasing without loss of time the native title to the soil of Vancouver Island".

In the month of January 1870 the Government of the United Colony of British Columbia deliberately decided to adopt a report then issued and announced the policy of denying that the Indian Tribes of the Province have any title and thus seizing all the lands of the Province without treaty or compensation. By this Report was commenced the Indian land controversy which has been the cause of great and ever increasing trouble.

When in the year 1871 British Columbia became part of Canada, the territorial land rights of the Indian Tribes were, as is submitted expressly preserved by the provisions of the British North America Act and thus became part of the Constitution of the Province of British Columbia. Under Section 109 of the Act the lands of the Province "subject to any trust existing in respect thereof and to any interest other than that of the Province in the same." Under Section 146 of the Act Article Thirteen, being one of the "Terms of Union" and dealing with the matter of lands to be reserved for the use and benefit of the Indians, became subject to all provisions of the Act.

Notwithstanding these facts, which, as is submitted should have been regarded as alone quite conclusively establishing the land rights claimed by the Indian Tribes, the attitude of local Governments continued to be that which had been announced by the Report of January 1870.

This attitude of local Governments was vigorously and persistently opposed by the Dominion of Canada. In the year 1874 the Minister of Interior sent to the Government of British Columbia communication demanding recognition of Indian land rights. From that letter the following words are quoted:—

The policy foreshadowed in the provisions of the 13th clause of British Columbia Terms of Union is plainly altogether inadequate to satisfy the fair and reasonable demands of the Indians to satisfy these demands, and to secure the good will of the natives, the Dominion and local Governments must look beyond the terms of that agreement—and be governed in their conduct towards the aborigines by the justice of their claims and by the necessities of the case.

From the Report of the Minister of Justice relating to the Land Act of British Columbia, which was made on 19th January 1875 and was adopted by the Governor General in Council on 23rd January 1875 (Dominion and Provincial Legislation—Hodgins—p. 1024 to 1028) the following words are quoted:—

Considering then these several features of the case that no surrender or cession of their territorial rights, whether the same be of a legal or equitable nature, has ever been executed by the Indian Tribes of the Province, that they allege that the reservations of land made by the Government for their use have been arbitrarily so made and are totally inadequate to their support and requirements and without their assent, that they are not averse to hostilities in order to enforce rights which it is impossible to deny them and that the Act under consideration not only ignores these right but expressly prohibits the Indians from enjoying the rights of recording or pre-empting lands, except by consent of the Lieutenant-Governor, the undersigned feels that he cannot do otherwise than advise that the Act in question is objectionable as tending to deal with lands which are assumed to be the absolute property of the Province, an assumption which completely ignores, as applicable to the Indians of British Columbia, the honour and good faith with which the Crown has in all other cases since its sovereignty of the territories in North America dealt with their various Indian Tribes.

There is not a shadow of doubt that from the earliest times England has always felt it imperative to meet the Indians in Council and to obtain surrender of tracts of Canada, as from time such were required for the purposes of settlement.

In the year 1876 Lord Dufferin, Governor General of Canada, made at Victoria a famous speech in the course of which he declared that the Indian policy of British Columbia was an "initial error" and warned the people of the Province that to persist in refusing to recognize Indian title might bring upon them grave consequences.

In course of Report above mentioned the Minister of Justice declared that the title of the Indian Tribes is an interest in the lands of the Province of British Columbia under Section 109 of the British North America Act. This view of the Minister of Justice has been confirmed by the various judgments delivered by the Judicial Committee of His Majesty's Privy Council in Canadian cases relating to Indian Title. The words of Report of the Minister of Justice dealing with this particular subject are the following:

The undersigned would also refer to the British North America Act, 1867, Section 109, applicable to British Columbia, which enacts in effect that all lands belonging to the Province shall belong to the Province "subject to any trust existing in respect thereof, and to any interest other than that of the Province in the same."

That which has been ordinarily spoken of as the 'Indian title' must of necessity consist of some species of interest in the lands of British Columbia.

If it is conceded that they have not a freehold in the soil, but that they have an usufruct, a right of occupation or possession of the same for their own use, then it would seem that these lands of British Columbia are subject, if not to "trust existing in respect thereof," at least to an "interest other than that of the Province in the same".

We further contend that that opinion given in 1875 has been supported by a decision of the Privy Council in the case of the Attorney General for the Dominion of Canada, Appellant, vs. Attorney General for Ontario. Respondent, and the Attorney General for Quebec, Appellant, vs. Attorney General for Ontario, Respondent. This is (Appeal cases) 1897, at page 199. In this case sections 109, 111 and 112 of the British North America Act were dealt with, but for the purpose of our case, we refer only to Section 109 as their lordships dealt

with it. We now quote an extract from the judgment of their lordships, delivered by Lord Watson, at page 210, last paragraph:—

The expressions “subject to any trusts existing in resepct thereof” and “subject to any interest other than that of the province” appear to their lordships to be intended to refer to different classes of right, their lordships are not prepared to hold that the word “trust” was meant by the legislature to be strictly limited to such proper trusts as a court of equity would undertake to administer; but, in their opinion, it must at least have been intended to signify the existence of a contractual or legal duty, incumbent upon the holder of the beneficial estate or its proceeds, to make payment out of one or other of these, if the debt due to the creditor to whom that duty ought to be fulfilled.

On the other hand, “an interest other than that of the province in the same” appears to them to denote some right or interest in a third party, independent of and capable of being vindicated in competition with beneficial interest of the old province.

We contend that that decision supports the decision of the Minister of Justice, in 1875.

In pursuance of recommendation contained in Report made by the Minister of Justice and adopted as above stated, the Land Act of British Columbia was disallowed by the Government of Canada. British Columbia however, persisted in carrying out the policy of ignoring and denying Indian title, and in the following year the Land Act was re-enacted. The issue regarding the claims of the Indian Tribes of British Columbia thus raised has never been determined.

The foregoing despatch and the other correspondence between the Colonial Government and the Imperial Government are to be found in the Sessional Papers of the first legislature of British Columbia and in a book entitled “Indian Land Question of British Columbia, 1850-1870”. Also in the report of the proceedings of a Joint Committee of Parliament appointed to enquire into the claims of the allied Indian tribes of British Columbia in the year 1926.

A despatch from Lord Carnarvon to Sir James Douglas under date of 11th of April, 1858, instructed the Colonial Government to purchase the lands that they required from the native Indians, and we quote the following despatch:—

I am glad to perceive that you have directed the attention of the House to that interesting and important subject, the relation of Her Majesty's Government and of the Colonies to the Indian race. Proofs are, unhappily, still too frequent of the neglect which Indians experience when the white men obtain possession of their country. Their claims to consideration are forgotten at the moment when equity most demands that the hand of the protector should be extended to help them. In the case of the Indians of Vancouver Island and British Columbia, Her Majesty's Government earnestly wishes that when the advancing requirements of colonization bear upon lands occupied by members of that race, *measures of liberality should be adopted for compensation to them for the territory which they have been taught to regard as their own.*

On receipt of this edict in a final communication Sir James Douglas asked the Imperial authorities for a loan of £3,000 so that he could purchase some parcels of land from three tribes on Vancouver Island, under date of March 25, 1861, and we quote:—

I have the honour of transmitting a petition from the House of Assembly of Vancouver Island to your Grace, praying for the aid of Her Majesty's Government in extinguishing the Indian title to the public lands in this Colony; and setting forth, with much force and truth the evils that may arise from the neglect of that very necessary precaution.

2. As the native Indian population of Vancouver Island have distinct ideas of property in land, and mutually recognize their several exclusive rights in certain districts, they would not fail to regard the occupation of such portions of the Colony by white settlers, unless with the full consent of the proprietary tribes, as national wrongs; and the sense of injury might produce a feeling of irritation against the settlers, and perhaps disaffection to the Government that would endanger the peace of the country.

3. Knowing their feelings on that subject, I made it a practice up to the year 1859, to purchase native rights in the land, in every case, prior to the settlement of any district; but since that time in consequence of the termination of the Hudson's Bay Company's Charter, and the want of funds, it has not been in my power to continue it. Your Grace must, indeed, be well aware that I have, since then, had the utmost difficulty in raising money enough to defray the most indispensable wants of Government.

4. All the settled districts of the Colony, with the exception of Cowichan, Chemainus, and Barclay Sound, have been already bought from the Indians, at a cost in no case exceeding £2 10s. sterling for each family. As the land has, since then, increased in value, the expense would be relatively somewhat greater now, but I think that their claims might be satisfied with a payment of £3 to each family: so that taking the native population of those districts at 1,000 families, the sum of £3,000 would meet the whole charge.

5. It would be improper to conceal from your Grace the importance of carrying that vital measure into effect without delay.

6. I will not occupy your Grace's time by any attempt to investigate the opinion expressed by the House of Assembly, as to the liability of the Imperial Government for all expenses connected with the purchase of the claims of the aborigines to the public land, which simply amounts to this, that the expense would, in the first instance, be paid by the Imperial Government, and charged to the account of proceeds arising from the sales of public land. The land itself would, therefore, be ultimately made to bear the charge.

7. It is the practical question as to the means of raising the money, that at this moment more seriously engages my attention. The Colony being already severally taxed for the support of its own Government, could not afford to pay that additional sum; but the difficulty may be surmounted by means of an advance from the Imperial Government to the extent of £3,000, to be eventually repaid out of the Colonial Land Fund.

8. I would, in fact, strongly recommend that course to your Grace's attention, as specially calculated to extricate the Colony from existing difficulties without putting the Mother Country to a serious expense; and I shall carefully attend to the repayment of the sum advanced, in full, as soon as the Land Fund recovers in some measure from the depression caused by the delay Her Majesty's Government has experienced in effecting a final arrangement with the Hudson Bay Company for the reconveyance of the Colony, as there is little doubt when our new system of finance comes fully into operation that the revenue will be fully adequate to the expenditure of the Colony.

I have, etc.,

(Signed) JAMES DOUGLAS.

The reply to this request was sent by Lord Newcastle, October 19, 1861, refusing the request for a loan, as follows:—

The Secretary of State for the Colonies to Governor Douglas, C.B.

Downing Street,

October 19, 1861.

Sir,—I have had under my consideration your despatch No. 24, of the 25th of March last, transmitting an Address from the House of Assembly of Vancouver Island, in which they pray for the assistance of Her Majesty's Government in extinguishing the Indian Title to the public lands in the Colony and set forth the evils that may result from a neglect of this precaution.

I am fully sensible of the great importance of purchasing without loss of time the native title to the soil of Vancouver Island; but the acquisition of the title is a purely colonial interest, and the Legislature must not entertain any expectation that the British taxpayer will be burthened to supply the funds or British credit pledged for the purpose. I would earnestly recommend therefore to the House of Assembly, that they should enable you to procure the requisite means, but if they should not think proper to do so, Her Majesty's Government cannot undertake to supply the money requisite for an object which, whilst it is essential to the interests of the people of Vancouver Island, is at the same time purely colonial in its character, and trifling in the charge that it would entail.

I have, etc.,

(Signed) NEWCASTLE.

Having failed to secure the necessary loan from the authorities, Governor Seymour had a meeting with 2,000 Indians and 60 chiefs when he notified the Indians that because they were without the necessary funds to purchase their lands, the Government would sell the same with the promise that a third of the money realized would be sent to the Queen, one-third to be set aside for the Indians of British Columbia, and the balance to be used in administering the affairs of the Province. This information has been handed down by the Indians, and they record it as a sincere promise given to be eventually fulfilled, but in the years that followed when these promises were not carried out, many chiefs and leading Indians of British Columbia took steps asking for the fulfillment of this promise. Because of these efforts of the early days, exhibitions of power and authority were administered in an effort to silence the requests of the Indians.

Chief Joe Capilano, who had been appointed by the Indians in British Columbia to lead them in their efforts to secure justice, was put in jail by the then Attorney-General of the Province because of his activities concerning the Indian land question of British Columbia. But he nevertheless headed a delegation to England in the year 1906 when he placed the petition of the Indians before his late Majesty King Edward VII.

After the first session of the Provincial Legislature the Minister of Justice gave an opinion disallowing the Land Act of the Province because, and among other reasons, the Act prohibited the Indians from pre-empting land. We quote the following words from this opinion:—

That which has been ordinarily spoken of as the "Indian title" must, of necessity, consist of some species of interest in the lands of British Columbia.

If it is conceded that they have not a freehold in the soil, but that they have an usufruct, a right of occupation or possession of the same

for their own use, then it would seem that these lands of British Columbia are subject, if not to a "trust existing in respect thereof," at least "to an interest other than that of the province alone."

The undersigned, therefore, feels it incumbent on him to recommend that this Act should be disallowed, but suggests that such disallowance be postponed until the last day at which such can take place, with view of communication on the subject with the Lieutenant-Governor of British Columbia.

The Indians continued to press their claims before the Governments which resulted in an Order in Council being passed by the Government of Canada, as follows:—

Privy Council
Canada

"A"
P.C. 751

Certified Copy of a Report of the Committee of the Privy Council, approved by His Royal Highness the Governor General on the 20th June, 1914.

The Committee of the Privy Council have had before them a Report from the Superintendent General of Indian Affairs, dated 11th March, 1914, submitting the accompanying memorandum from the Deputy Superintendent General of Indian Affairs upon the Indian claim to the lands of the Province of British Columbia, in which he concurs.

The Committee, on the recommendation of the Superintendent General of Indian Affairs, advise that the claim be referred to the Exchequer Court of Canada with the right of appeal to the Privy Council under the following conditions:—

1. The Indians of British Columbia shall, by their chiefs or representatives, in a binding way, agree, if the Court, or on appeal, the Privy Council, decides that they have a title to lands of the Province, to surrender such extinguishment of title in accordance with past usage of the Crown in satisfying the Indian claim to unsundered territories, and to accept the finding of the Royal Commission on Indian Affairs in British Columbia as approved by the Governments of the Dominion and the Province as a full allotment of Reserve lands to be administered for their benefit as part of the compensation.

2. That the Province of British Columbia by granting the said reserves as approved shall be held to have satisfied all claims of the Indians against the Province.

That the remaining considerations shall be provided and the cost thereof borne by the Government of the Dominion of Canada.

3. That the Government of British Columbia shall be represented by counsel, that the Indians shall be represented by counsel nominated and paid by the Dominion.

4. That, in the event of the Court or the Privy Council deciding that the Indians have no title in the lands of the Province of British Columbia, the policy of the Dominion towards the Indians shall be governed by consideration of their interests and future development.

All of which is respectfully submitted for approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

The Indians were advised to refuse to accept the proposal and we again reaffirm that refusal because the terms and conditions were in contravention of the British justice promised to the Indians of British Columbia.

Having failed in their efforts with the local governments a petition was launched with His Majesty's Privy Council but the Judicial Committee of His Majesty's Privy Council refused to consider the case of the Indians because of the consent of the Government of Canada, which was never given, and because of this refusal the Privy Council could take no further action. We quote the official letter:—

Copy 59, 335-4A

16 December, 1918.

Gentlemen.—Referring to your letter of the 27th May last, on the subject of certain claims of the Nishga Tribe of Indians in British Columbia, I am directed by the Lord President of the Council to state as follows:—

1. One of the matters in dispute is set out in the Petition lodged by you on the 21st May, 1913, as "the nature and extent of the rights of the said Nishga Nation or Tribe in respect of the said Territory." The other is the question whether the Land Act of British Columbia is ultra vires of the Legislature of that province.

2. If the contention of the Nishga Indians is, as it appears to be, that they have suffered an invasion of some legal right, the proper course would, in His Lordship's opinion, be for them to take such steps as may be open to them to litigate the matter in the Canadian Courts, from whose decision an appeal in the ordinary way can come to the Judicial Committee. It would seem that any intervention by the Crown by referring the matter specially direct to the said Committee would be an unconstitutional interference with the local jurisdiction.

3. If, however, the claim of the Indians does not rest on any legal basis, but is, in effect, a complaint of the executive action of the Provincial or the Dominion Government, it would appear that, in accordance with constitutional principles governing relations between the Crown and the Colonial Governments a special reference to the Judicial Committee to consider the action of the Dominion or Provincial Government could only be ordered on the recommendation of the Secretary of State for the Colonies, and that he would only advise such a reference after consulting, and in accordance with the advice received from the Dominion Government.

In these circumstances His Lordship cannot see his way to take any further action on the Petition.

I am, etc,

(Sgd.) ALMERIC FITZROY.

When the Indians failed in their appeal to the Privy Council their petition was launched in the Parliament of Canada in the year 1926, which resulted in the appointment of a Special Joint Committee of the Senate and House of Commons appointed to enquire into the claims of the Allied Indian Tribes of British Columbia in the year 1927.

Many Indians testified before this Committee as well as those advising them, but the crucial point of their decision was based on their findings that the Indians in British Columbia had been conquered by the British; but, despite this decision, which is historically not correct, they decided to give to the Indians the sum of \$100,000 in each year in lieu of annuities. This money was to be used in assisting the Indians in every way, but the manner of the expenditure has not been made known to the Indians and they have had no voice in the manner in which this money, now aggregating \$2,000,000 has been spent.

By decision of this Committee, Indian pupils who showed promise were to be assisted in the attainment of higher education and for the purpose of studying any of the professions. Although a few Indian pupils were assisted in the original many Indian pupils were refused this privilege by Indian agents until about the year 1944, as a result of further representations to the Indian Commissioner.

In many parts of the Province lands allotted to the Indians are altogether inadequate as to quality and area. During the years 1913 to 1916 a Royal Commission was appointed by the Governments to adjust the land areas with powers to cut off portions of an Indian Reserve and to add to these Indian Reserves, but only from Crown lands which, even at that time, did not exist as Crown lands.

The Indians petitioned the Government of Canada not to adopt the report of the Royal Commission because the lands that had been cut off were lands that had been cheated by the white people and the new lands given to the Indians were generally described as poor lands because arable lands were not then under the category of Crown lands; but despite these appeals the two Governments passed similar enactments adopting the report of the Commission.

WATER RIGHTS

When the Indian Reserves were allotted to the Indians residing in the dry belt of the Province a stipulated number of inches from lakes or streams within or adjoining the Reserves, were allotted for the Indians by the same Joint Commissioners representing the two governments which allotted these Reserves.

When the Government of Canada transferred the natural resources of the Province within the boundaries of the Railway belt they contravened the legal rights of the Indians when they included the waters which had been allotted to the Indians in that conveyance. It was then understood that Indians had equal rights with the white people to the use of these waters as long as they made use of it, but actions by neighbouring white people with ulterior motives, advised the Indians not to use them because it would prejudicially affect their aboriginal rights.

The Courts have decided on many occasions that the Indians has a usufructory right of occupation to the lands reserved for them. The action of the Government in transferring the authority over these waters to the Provincial Government is ultra vires of the British North America Act.

GRAZING LANDS

In the interior parts of the Province the Indians attempt to go into the business of stock raising, but the business of stock raising is limited to the availability of grazing lands. As in the case of the water, grazing lands are now administered by the Province and many of these areas are now used by white settlers to the exclusion of the Indians.

We recommend that the Government of Canada put into operation the recommendation of the Indian Commissioner for British Columbia, that the sum of \$1,500 be taken each year from the Special Grant and paid over to the Provincial Government so that the Indians could have adequate grazing lands.

TRAPPING

The B.C. Government trapping laws were intended to preserve certain trapping areas for the people who had formerly trapped those areas, but the Indian Agents failed in their duties to protect the Indian interests.

We ask that Indians be permitted to appeal to the Courts.

Presented by Andrew Paull, President, North American Brotherhood, to Joint Committee on 6th May, 1947.

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SESSION 1947



SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPOINTED TO CONTINUE AND COMPLETE THE EXAMINATION
AND CONSIDERATION OF THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 19

THURSDAY, MAY 8, 1947

WITNESSES:

Major D. M. MacKay, Commissioner, Indian Affairs, British Columbia;
Mr. John B. Tootoosis, President, Union of Saskatchewan Indians;
Chief Joseph Dreaver, former President, Saskatchewan Indian Association;
Chief John Gambler, former President, Protective Association for
(Saskatchewan) Indians and their Treaties;
Reverend Ahab Spence, Teacher, Little Pine Reserve, Saskatchewan.

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MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

THURSDAY, 8th May, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such matters as have been referred to the said Committee met this day at 11 o'clock a.m.

Presiding: Mr. D. F. Brown, M.P. (Joint Chairman).

Present:

The Senate: The Honourable Senators Blais, Dupuis, Fallis, Johnston, McKeen, Robicheau and Taylor—7.

The House of Commons: The Honourable Mr. Stirling and Messrs. Brown, Brunelle, Bryce, Blackmore, Case, Castleden, Charlton, Farquhar, Gariépy, Gibson (*Comox-Alberni*), Harkness, Little, Matthews (*Brandon*) (Vice-Chairman), MacLean, MacNicol, Raymond (*Wright*) Reid—18.

In attendance: (From Indian Affairs Branch): Messrs. R. A. Hoey, Director; D. M. MacKay, Commissioner, British Columbia; J. P. B. Ostrander, Inspector, Saskatchewan; T. R. L. MacInnes, Secretary; B. F. Neary, MBE., Superintendent, Welfare and Training; H. M. Jones, Supervisor, Family Allowances; G. Patrick, V.L.A.; G. Armstrong, Welfare Division;

Also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer.

Major D. M. MacKay, Commissioner, Indian Affairs British Columbia, was called, and made a statement in reply to some matters raised before the Committee by Mr. Andrew Paull, President, North American Indian Brotherhood, and was questioned thereon.

Mr. Castleden, M.P., introduced a delegation from Saskatchewan, comprising Mr. John B. Tootoosis, President, Union of Saskatchewan Indians; Chief Joseph Dreaver, former President, Saskatchewan Indian Association; Chief John Gambler, former President, Protective Association for Saskatchewan Indians and their Treaties and the Reverend Mr. Ahab Spence, Indian School teacher, Little Pine Reserve.

Discussion followed as to this representation.

The Chairman read into the record a submission and brief from Mr. Arthur Favel, Poundmaker Reserve, Saskatchewan, in behalf of the "Queen Victoria Treaty Protective Association".

Mr. John B. Tootoosis, called, presented "Submission of The Union of Saskatchewan Indians", which is printed herewith as Appendix ES.

He also read into the record "Statutory Declarations with respect to the Brief of the Duck Lake Indian Agency", and other correspondence in connection therewith. (*See Minutes of Evidence*).

The Committee adjourned at 1 o'clock p.m., to meet again at 4 o'clock, p.m., this day.

AFTERNOON SESSION

The Committee resumed at 4 o'clock p.m.

Presiding: The Joint Chairman, Mr. D. F. Brown, M.P.

Present:

The Senate: The Honourable Senators Blais, Dupuis, Horner, Johnston, Macdonald (*Cardigan*), McKeen, Robicheau and Taylor—8.

The House of Commons: Messrs. Brown, Bryce, Case, Castleden, Charlton, Gibson (*Comox-Alberni*), Harkness, Matthews (*Brandon*), Raymond (*Wright*), Reid, Richard (*Gloucester*)—11.

In attendance: as at this morning's session, also Mr. Max Campbell, M.P. (*The Battlefords*).

Mr. D. McIvor, M.P., by leave of the Committee, made a brief statement welcoming Messrs. Dreaver and Gambler, two of his former athletic pupils.

Mr. J. P. B. Ostrander, Inspector, Indian Agencies, Saskatchewan, made a statement with regard to the representation of Saskatchewan Indians.

Mr. John B. Tootoosis, recalled, made a statement with regard to the preparation of the brief of the Union of Saskatchewan Indians, and completed his summary of that brief.

Chief Joseph Dreaver called, read a message of greeting to the Honorary Chief "Wise Counsellor" (The Right Honourable W. L. M. King, P.C., Prime Minister of Canada) and made a statement with regard to the brief presented by Mr. Tootoosis.

Chief John Gambler, called, made a brief statement.

The Reverend Mr. Ahab Spence, called, made a brief statement, but asked to be allowed to make a more complete statement tomorrow; in the meantime the Committee agreed to question him with regard to his experience as an Indian school teacher.

The Committee adjourned at 6 o'clock p.m., to meet again to-morrow, Friday, 9th May, at 11 o'clock a.m.

T. L. McEVOY,
Clerk of the Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

May 8, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 11.00 a.m. Mr. D. F. Brown, M.P., (Joint Chairman) presided.

The CHAIRMAN: Could we come to order, gentlemen?

First I would like to say that we have had Major MacKay here with us for the past week. We have not as yet had an opportunity of hearing from him and as you will recall, at the last meeting we had to double up a little bit in view of the fact the British Columbia delegation was not prepared to make its presentation on the first day and they carried over on the second day. Now, if we could devote a few minutes this morning to Major MacKay I think it would be well, because he has to leave tomorrow whether we hear him or not.

Mr. REID: As far as I am concerned I think it is splendid to hear Major MacKay but I personally would like to have at least half an hour sometime today off the record. Many of these men are officials and they hesitate to tell us the whole picture. I think if Major MacKay is going to be heard it would be well if he would speak at least part of the time off the record.

The CHAIRMAN: There are some things that we would like to have on the record.

Mr. REID: I agree.

The CHAIRMAN: Could we take that part of the evidence which we want on the record and then later in the day take some of his evidence off the record.

Mr. CASTLEDEN: Before this is decided I would like it understood that these two days have been set aside to hear the Saskatchewan Indians and I hope no time will be deducted from their hearing. They have a long brief and a lot of material to present.

The CHAIRMAN: As you know, Mr. Castleden, we have put ourselves out a great deal to hear all Indians and we will do so in order to hear this group. I am sure that all the members of the committee feel the same way and they will do everything possible to hear what these Indians have to present.

Mr. CASTLEDEN: And would that include giving us an opportunity for questioning as well?

The CHAIRMAN: Yes. As you know, there are two periods devoted to the Indians, from 11.00 a.m. until 1.00 p.m. today and from 11.00 a.m. until 1.00 p.m. tomorrow. Now, if we find it is going beyond that length of time we have adopted the practice of holding special meetings of this committee and I think that there is no doubt but what that will be the case with this delegation.

Mr. CASTLEDEN: As long as that is understood I am agreeable.

The CHAIRMAN: It is not what I think.

Mr. CASTLEDEN: I said, "As long as it is understood I am agreeable."

The CHAIRMAN: That is what has been done in the past but it will be entirely up to the committee to decide what will be done in the future.

Now is it your pleasure that we hear Major MacKay for a few moments.

Some hon. MEMBERS: Right.

The CHAIRMAN: Mr. MacKay, will you come forward, please?

D. M. MacKay, Commissioner Indian Affairs Branch, British Columbia called:

The WITNESS: Mr. Chairman, and honourable members of this committee. I do not propose to take a great deal of time this morning, but having listened to some of the representatives from British Columbia I feel that there are one or two things which require clarification. In the submission made by Mr. Williams, he referred to plots of land which have been set aside in British Columbia and I think he left the impression that the areas which the Indians of that province have today are by no means sufficient for their requirements. There are over 1,600 reserves in British Columbia with a total area in excess of 800,000 acres. It is true that on the coastline the parcels set aside for Indians are small but, nevertheless, there are very extensive areas in the interior and it has been my experience that a good many of the areas in the province are not being used at the present time to the fullest extent. Mr. Williams made reference to the fact, or at least he said, that on Vancouver Island there was not an organized council of Indians. We have had organized councils of Indians on Vancouver Island for over fifty years. As a matter of fact, the Cowichan tribe has been under the part two advancement section of the Act since 1885 and I attended a meeting of that council two years ago when they were nominating men for the council and I was also present when they cast their ballots for the new council. There were nine nominations for five positions and on the day of the election the Indians filed in and cast their ballots in the same way that we might do in municipal, provincial, and dominion elections. It was also gratifying to find out that there was not a single spoiled ballot. I should, therefore, not like it thought that this matter of municipal government on the Indian reserves in British Columbia has not made some progress. Apart altogether from the Cowichan reserve there are other reserves on the island which have councils but the Cowichan band is the only one which is under part two. The Nanaimo and other reserves are under part one where the election is held every three years instead of every year.

Mr. Gosnell, in his submission, referred to a lack of domestic water systems on our reserves in British Columbia. Mr. Gosnell comes from Port Simpson. The population of that reserve is almost 700. He failed however, to advise this committee of the fact that the people of Canada installed in that village one of the most expensive water systems that we have. It cost the people something like \$18,000. The difficulty has been to get the Indians to accept responsibility in the matter of proper care and maintenance of the system. Surely, when we go to the extent of providing these systems we can expect the Indians to make some contribution in the matter of maintenance and care. We have water systems on a number of the other reserves on the coast. We have one at Bella Coola, where the water is sold to the white users in the vicinity of the village. We also have systems at Bella Bella and Kitimat and other projects are contemplated. It should not be overlooked that during the period of the war there was very little in the way of funds provided for the extension of such things on the reserves.

Mr. CASTLEDEN: What have you to say about the water reserves in the interior, in the dry land areas?

The WITNESS: I will come to that in a moment, Mr. Castleden.

Mr. Paull, in his submission on Tuesday, referred to irrigation. Now, this committee has in its membership the Honourable Mr. Stirling who comes from the dry belt area and I am sure he is well acquainted with the problem confronting those who derive a living in that area and are required to use irrigation. Mr. Paull specifically referred to the Kamloops Indian reserve. I think, whether it was intended or not, he left the impression that area was dry and that the Indians had lost all their rights and in addition, at the moment, the reserve was,

from the point of view of agricultural development, pretty well worthless. The reserve was set aside in 1878 and was surveyed the following year and the area of the reserve is something like 33,000 acres. Before the reserve was surveyed and before it was set aside, as a matter of fact, there were two lots in the area, lots 1 and 2, and those numbers give an indication of the early period in which those parcels were pre-empted or homesteaded. In other words those parcels were there before the reserve was set aside and before the reserve was surveyed. There were certain water rights went along with those parcels and when the Indian reserve was surveyed certain water rights were granted for the land of the reserve. In 1925, the superintendent general, on behalf of the Indians, and the owners of the Harper ranch, as it is called, or the Western Canada Ranching Company, entered into an agreement whereby the water from Paul Creek or Paul Lake would be equally divided. That water was taken down by a channel to a "Y" on the reserve and it is divided there. Half of it had to go to the Harper ranch or the lands of the Western Canada Ranching Company and the other half was to serve the lands of the Indian reserve. We have water records on that reserve covering 800 acres of land. Our difficulty has been and continues to be to get the Indians to make the proper use of the water they have.

Mr. Paull referred to aboriginal rights. I am not going to discuss the claim of the Indians under that heading, but the fact remains that we must operate under the law that exists whether we like it or not. If we have prior licences on a stream why we have prior rights over others that have not those rights, but in a good many cases in British Columbia, as the Hon. Mr. Stirling knows, the streams are over-recorded. In other words, there are more records for the streams than there is water.

In addition to the gravity system on the Kamloops Indian reserve we have three pumping plants on the reserve, two of them in good condition today. The third was undermined by the river last year, the action of the river undermining the foundation, and it requires replacement. The supply of water by power is expensive. It costs anywhere from \$7 to \$15 an acre depending on the crops raised, but at no time have we stood in the way of the use of these pumping plants even at the expense of the Crown itself in order to facilitate the use of the lands by our Indians.

Conditional water licences are issued, and as the term suggests there are conditions set out there. If those conditions are not observed and adhered to the water user faces the cancellation of his rights. In British Columbia in the areas of the dry belt there are a good many people just watching for the cancellation of rights so that they may secure them themselves.

I will give you one or two examples in connection with the importance of the department exercising the greatest possible care in the matter of irrigation systems. We installed in a part of British Columbia a system costing \$35,000 only to find that the Indians made very little use of it. A very small acreage was brought under cultivation, and that system today has gone out of use. The licence was cancelled and it was a poor investment. We should be very careful, in the installation of irrigation systems, not to go very much beyond the capacity of the Indians to use the works.

I recall another system we installed not long ago. It was necessary. There was every evidence that the Indians required water if they were going to produce crops. We put in a system. The first year the Indians, intrigued by this new method of providing moisture for the earth, did very well and reaped a good harvest and extended their lateral system so that more acreage could be brought under cultivation. The second year there was a decline in output. The third year the decline was so great that I felt I should make an investigation. I found that the Indians had come to the conclusion that the works we had established required a whole lot more labour and attention on their part than was necessary in the day when the government of Canada supplied the

food for stock. So they came to the conclusion that it was a poor bargain, that they could have received all the assistance that was necessary without any effort on their part, and that the system in so far as they were concerned required attention and labour that they were not happy to give.

By Hon. Mr. Stirling:

Q. Is that the Okanagan agency?—A. That is the Kootenay agency at Cranbrook. That illustrates the importance of proceeding carefully in those matters where large amounts of public funds are involved. Every year the officials of the branch appear before the water controller in British Columbia and review the conditional licences which are before him at that time for examination. We are given a period to do the work, and if we do not do it we have to justify our holding the licence. Otherwise we face cancellation. It has not been the easiest thing in the world to maintain our place because of the indifference sometimes of the Indians themselves in the matter of looking after the system.

I want to make a brief reference to the British Columbia special vote. There was a suggestion made here that an accounting in connection with that vote had not been made. It is possible that the Indians were not informed in detail as to how expenditures were made, but nevertheless that information is always available through the proper channels. I could never see myself why the Indians should not be given every bit of information with respect to expenditures. In my own experience we have never in any way stood in the way of giving them every bit of information in that respect. I think the British Columbia special vote has been dealt with here already, and I do not wish to dwell on it any further than to say that the divisions of that vote are irrigation, agriculture, medical services and technical education.

In the matter of assistance to Indian children who show aptitude for higher education I will say that I do not recall a single instance in my experience where the department refused to extend assistance where the necessary conditions were met. There are some Indians, of course, who would like their children go forward, but if the child does not pass grade 7 it cannot be expected that he will go on to grade 8, and so on. In the days of the war and the years when funds were difficult to secure it is just possible that limited funds stood in the way of children who wanted to go on to the higher grades, but certainly in recent years I know that every encouragement has been given to Indian children who wish to go forward to high school, and so on.

You may be interested to know that feeble-minded Indians in British Columbia are cared for very well. We have just 35 in the institution which, of course, is a provincial institution. We have only 35 out of a population of 26,000 Indians. We pay the province so much a day for their care. The provincial school for the deaf and the blind is also open to our Indians, and the principal has shown every interest—that is Dr. McDonald—in extending assistance to those of the Indian population so handicapped.

Some mention was made by Mr. Williams of shacks. Of course, there are a good many Indian shacks in British Columbia. I should say that the majority of the homes are quite poor, but during the war years we had an average appropriation of \$7,000 a year for looking after something like 4,000 homes. You can conclude from that how impossible it would be to do very much in the way of improving the homes of the Indian people. In recent years the amount set aside has increased considerably, and we hope as a result of the investigations of this committee more funds will be available for the improvement of that service to the Indian people.

We have three sawmills in operation in British Columbia for the Indians. Those mills were provided by the department to facilitate the production of lumber. Of course, referring to shacks, there can be comfort, happiness and cleanliness even in a shack.

There was some mention of timber. I think it is important that control be exercised in the matter of the sale of timber because timber is a resource belonging to the band as a whole, including the little children, and their interests must be safeguarded.

Going back for a moment to the land. I think perhaps a mistake was made in not giving an opportunity to Indians in the early days to preempt land. At the present time the Indians are not permitted to preempt or purchase land under the Land Act of the province. I think it would have facilitated assimilation if the Indians had been permitted, from the beginning, to go out and preempt land. This would be in addition to the reserves which were set aside. Although, from time to time, the Indians were able to buy additional land from the province, the Act does not provide for the preemption of land by the aborigines of the province.

Mr. Paull mentioned something about trap lines.

By Mr. MacNicol:

Q. About what?—A. Trap lines. In my submission to you a year ago, I went into that subject very thoroughly, at least, I thought so. I do not know that I should take much time on it now, other than to say that about fifty per cent of the trap lines in British Columbia belong to Indians. It is true that when the system of registration was instituted in 1926, some of the Indians failed to register their lines and white applicants were given the territory. I am not absolving the Indian agents from blame in connection with that because I feel they should have taken steps to register the lines where an Indian was not interested in registering or refused to do so. It was possible for the Indian agent at that time to render that service to the Indian people.

By Mr. Gibson:

Q. How do you think the Indian agent might have known of this?—A. He has a record or should have a record of all the trap lines in his agency. All trap lines in British Columbia were cancelled, as it were, and had to be re-registered under the new Act.

By Mr. Castleden:

Q. The agent would know the Indians would suffer if he failed to register the trap lines?—A. Oh yes, they would lose their trapping rights.

By the Chairman:

Q. If there is nothing further you wish to say, Major MacKay, we have the Saskatchewan delegation here and we want to give them an opportunity— —A. I am just about to close, Mr. Chairman.

Q. I thought you were finished, I am sorry.—A. From listening to the submissions made here by the Indians from the western part of Canada, I think it is apparent we should endeavour to prevent, on the one side, the Indians living in self-pity and resentment which appears to be evident, and, on the other side, our own people living in self-righteousness and fear of contamination.

I think the Indians could be assisted in obtaining a better standing of living to a very great extent by the extension to them of many of the rights and privileges enjoyed by the white race and by a recognition of the responsibility in the matter of Indian administration by the citizenry of Canada who, after all, are the trustees of the Indian people. I thank you.

The CHAIRMAN: Thank you very much, Major MacKay. We will have Major MacKay back a little later, I will not dismiss him at this time. If you do not mind, we will probably have a closed session later.

Mr. CASTLEDEN: There may be some questions the members would have liked to ask Major MacKay on the record.

The CHAIRMAN: If there are questions the members would care to put to Major MacKay now, I would ask the members to be brief because we are devoting this period, as you know, to the Saskatchewan Indians. I would suggest if you have any questions, they be as brief as possible.

By Mr. Reid:

Q. I have three direct questions I should like to ask him. They will not take up a great deal of time. First of all, what is paid to the provincial government for feeble-minded Indians in institutions?—A. \$1.35 a day.

By Mr. Castleden:

Q. By the provincial government?—A. Paid to the provincial government; that is the rate they ask us to pay.

By Mr. Reid:

Q. From your knowledge, what would you have to say regarding the statement made here that no Indian agent should be a magistrate?—A. My experience suggests to me our agents are not anxious at all to act in that capacity. They feel they should be relieved of that responsibility.

Q. The other question has to do with the land you spoke about. You said the Indians generally are not using their land. Has any survey been made as to the proportion of the land in use by the Indians compared with the 800,000 acres available?—A. Of the 800,000 acres we only have, actually under cultivation, some 35,000 acres which is a very small proportion of the total acreage. Of the 800,000 acres, of course, a large amount is mountainside, hillside, not suitable for agricultural development. We have a fairly good estimate of what may be suitable for cultivation. I think that is listed in the annual report of the department.

By Mr. Harkness:

Q. In connection with this matter of the land, the 800,000 acres, that actually amounts to about 30 acres per Indian. As you have said, a great deal of it is useless land. In your opinion, is there sufficient good land to meet the needs of the Indians for agricultural purposes?—A. I should say there is at the moment, but it is doubtful if there is enough to provide for extensive expansion or a heavy increase in population.

Q. Is the situation then, that the land is badly distributed, that is, there are 13,000 acres in the Kamloops reserve but that is no good at all to the Indians on the coast, for example?—A. No, but of course, the Indians on the coast are mostly fishermen and lumbermen. They do not use the land for agricultural purposes to any extent. There are something like 195 Indians on the reserve at Kamloops.

Q. My general question is this, is the land reasonably well distributed to meet the Indian's need. Perhaps the example I took of the Indians on the coast was not a good one, but there might be a band of Indians in the Kootenays, who did not have enough land.—A. I do not think the land is properly distributed and that stems from the power the chief had in the old days to allot lands to certain members of the tribe. They have continued to hold lands, in many cases, when they were not in a position to use them. Although the other members of the tribe have a common interest in the land, they have not access to these particular areas.

Q. Is the situation then, that a considerable number of Indians cannot get land?—A. That is true, yes. The information comes to us through leasing. Of course, leasing, to any great extent, sets up a sort of loafer landlord system on the reserve. The lessor gets the returns from the leases, frequently to the disadvantage of the young Indians who would work the land if they had a right to get hold of it.

Q. Has the department been taking steps to try to secure more land in areas where land is deficient?—A. Yes, they have. Over the years, as we receive applications from Indians, we approach the province of British Columbia and the province has been quite generous in that respect in recent years.

Q. I have one other question in connection with trap lines. Has the department been buying back the trap lines which were lost through failure to register and, if so, who is paying for that?—A. We have bought back a number of trap lines in recent years in British Columbia at the expense of the Crown.

Q. Is that policy to be continued? Are you buying them back every year now?—A. As they are offered, yes. We submit the matter to the department and in every instance the department has approved the purchase.

Q. If the white man who holds what was a hereditary Indian trap line which has become alienated through failure to register is unwilling to sell, is there any means by which you can take expropriation proceedings?—A. No, sir, because control is within the province; the registered owner of the trap line is protected by the provincial Game Act.

Q. You have no means of getting back those trap lines which the white man won't sell?—A. No.

By Hon. Mrs. Fallis:

Q. I just wish to ask one question of the commissioner. He spoke of the poor conditions of the homes and that has been a subject of discussion many times. There has been a good deal of criticism about it. I should like to ask if it is your experience that the Indians leave the improvement of their homes entirely to the government agents and to the money the agents spend, or do they show any interest or willingness on their own part to improve their homes if they are given help?—A. They do, but the lack of social services to the reserve has stood in the way of improvement in that direction.

Q. I had in mind, perhaps particularly, material things, that is in the way of improving the appearance of their homes. Do you find them willing and anxious to improve their own homes?—A. I would say in the majority of cases, if we provide the materials, assistance and guidance, the Indians co-operate.

Q. And that should be encouraged as much as possible?—A. It should be encouraged, yes.

By Mr. Gibson:

Q. Major MacKay, Mr. Gosnell who was here stated that the canneries in British Columbia and the fishing companies were inclined to pursue a policy of keeping the Indians in debt if they could. Do you feel that is a fair statement?—A. Well, I am not familiar with the workings of the canneries, Mr. Gibson. I do not know what their purpose would be in that action, unless it would be to keep certain men in employment upon whom they could depend from year to year. Information to that effect has not come before me in the years I have been commissioner.

Q. You found a good Indian fisherman could always become the owner of his own boat with financial assistance from the canneries if he was willing to work?—A. I think the record would support that.

The CHAIRMAN: I wonder if, at this point, in connection with that question you would permit me to quote a letter I have received. It is from the Minister of Fisheries and carries a copy of a letter forwarded to him. Apparently on May 3 there was an article in the *Vancouver News Herald*, headlined, "Firms keep Indians in debt MP's told." It is reporting the evidence of Mr. Gosnell. I do not think I should read all of the letter but here is one paragraph, if I might read it for you. It is from the Canadian Fishing Company Limited. I do not know anything about the company; is it a large company?

Mr. GIBSON: Yes, it is a large company.

The CHAIRMAN: This paragraph reads:—

The enclosed item appeared in this morning's *Vancouver News Herald* and we are wondering if the matter was referred to you because the statements reported are full of inaccuracies.

There is no salmon packer that I have ever heard of who makes a practice of keeping Indians or anyone else in debt to them. Every canning company is fighting all the time to avoid making advances either in the way of cash or supplies to any fisherman, regardless of whether he is a Indian or a white man and the fact that the packers are forced to make advances is because the fishermen themselves demand it.

By Mr. Lickers:

Q. Mr. Chairman, I was going to ask one or two questions. Are the Indians themselves doing anything in connection with improving their conditions, I mean is anything being done for them by the bands; are the band, or councils I think you call them out there, doing anything to improve housing conditions on the different reserves in British Columbia?—A. Yes, on some of the reserves they are encouraging improvements.

Q. I was just wondering because on our own reserve we have agricultural societies which have been operating for the past five or six years, and we have home improvement plans with prizes for the person who makes the greatest improvement during the year; in other words, cleaning up, painting, fixing fences and generally improving the whole site. I was just wondering whether any of the councils or societies on the reserves out in British Columbia have any similar projects?—A. They have that in mind with a view to assisting Indians generally, and we find that the Indians are responsive.

Q. Do they have any agricultural societies out there?—A. Well, they have agricultural groups and farm institutes. There are quite a number of Indians who belong to local potato-growing associations, they grow special brands of potatoes, and they are doing very well. There is a representative of the council on the potato-growing organization.

Q. Have you any competitions among the Indians themselves to encourage improvements; for instance we have a program often carried on on our own reserve by ourselves with let us say the chap who has the best five-acre plot of potatoes, the best oats crop and the things like that.—A. The department provides funds for that purpose.

Q. Are they taking advantage of that opportunity?—A. They are, yes.

By Hon. Mr. McKeen:

Q. Mr. MacKay, I understand that they have some very fine houses on some of those reserves; are they given assistance in the building of those houses? I had in mind Cape Mudge particularly.—A. That is an enterprise on the part of the Indians themselves. There is very little assistance given by the government. It is not necessary. The Indians took an interest in improving their own holdings and they are doing the building from their returns from fishing. That is also true of the village at Bella Coola; those two places constitute an example of what Indians are in a position to do if they have the right leadership on the reserve and if they have an opportunity for steady employment.

Q. They are modern houses?—A. They are modern houses. I think that most of them have modern conveniences. I think they are very much better in that respect than the homes of their white neighbours.

Mr. GIBSON: But fishing opportunities are much better around Cape Mudge than at other places along the coast, quite substantially so, are they not?

The WITNESS: I do not know whether that is correct or not. Those who are engaged in fishing can give you an opinion on that which would be more adequate.

Mr. CASE: Mr. Reid would not care to have that remark apply so far as the Fraser river is concerned.

The CHAIRMAN: I do not think we should have any conflict as between British Columbia members on the committee here.

Mr. GIBSON: I was just trying to point out that it was a matter of individual initiative.

The CHAIRMAN: You also know, Mr. Gibson, that advertising is not permitted before the committee.

Mr. CASTLEDEN: Where you have the opportunity of good economic conditions, where the Indian has an opportunity of making a living, you usually find that that is reflected in good homes and improved conditions?

The WITNESS: Yes.

Mr. GIBSON: My point was that you find the same thing all along the British Columbia coast. They have good opportunities but there is a great disparity in homes even in areas or reserves which are adjacent to one another.

Mr. CASTLEDEN: That is the point I was making, it depends generally on local economic conditions; but speaking generally I would say you find that where the Indians' economic conditions are good that is reflected in better homes.

The CHAIRMAN: Now, gentlemen, while you are discussing and deciding this economic problem we have the Saskatchewan Indian delegation waiting here.

Mr. REID: I have a matter here which I would like to have put right on the record, and I would like to bring this to the attention of Mr. MacKay for that reason while he is here. A statement was made the other day which I think requires a slight correction. It was said that the Metlakatla Indians removed from British Columbia went to Alaska because of trouble with the dominion government, with the Department of Indian Affairs. My information, having read the history of that band, is that the trouble was with the church, not with the government. It was due to a split between Rev. Duncan and the Church of England that they moved the Indians up to Alaska. I do not know whether Mr. Hoey or Mr. MacKay should make a statement on that so that the record will be straight. This record is going to stand for a long time and I think it should be correct.

Mr. CASTLEDEN: They were Canadian Indians from British Columbia who were removed to Alaska?

Mr. REID: Yes, but the point I make is this; the trouble was with the Church of England, not with the department or the government.

The WITNESS: I think Colonel Neary referred to that. I might add that a great deal depends on leadership. Where you have good leadership you find the Indians improving their homes. Economic conditions might be quite satisfactory in an area but unless you have the right kind of leadership on the reserve, the right type of supervision and assistance, progress is not very good.

Mr. MATTHEWS: Do you not think that the attitude of the Indian has a good deal to do with his economic condition?

The WITNESS: Yes.

By Mr. Lickers:

Q. Do you not think that if they were given more control over their local affairs that they would get that leadership?—A. There is opportunity there now for control of local affairs, with limitations.

Q. But if they were given more control so that the best men on the reservation would be encouraged to take an interest in the council and to see that the same methods were applied to the band generally as have proved successful in

their own personal affairs; they would give guidance to the other Indians.—A. I should say that responsibility and control go hand in hand. It would not do to give control to irresponsible people.

By Mr. Case:

Q. I was going to ask you about the number of traplines that were lost when the new regulations came into effect; could you tell us anything about that?—A. I have only knowledge of six or eight.

Q. Since that time how many of them have been returned?—A. Some have reverted to the Crown and were given back to us, others we purchased; and there are some today still held.

Q. How many?—A. I should think four or five; that is, of the number which have come to my attention.

By Mr. Castleden:

Q. You referred to requests received by the department for higher education for Indians, and I think you had in mind those that came to your own personal attention; do you know how many have come to the attention of the individual Indian agent? How many have been refused?—A. Where the application was made to me I cannot recall a case which the department has refused.

Q. It is maintained that the agents themselves have refused applications recommendations for a higher education.—A. Of course, where the child did not have the recommendation from the school teacher and the inspector of schools the agent would simply advise the parent to that effect and there would be no reference to me.

Q. One other question; you mentioned that there were three Indian sawmills?—A. Put up in the last year.

Q. Just within the last year?—A. Just within the last year, yes.

Q. And there are a number off the reserve, how do they stand?—A. That is a provincial matter, an agreement with the province. Sometimes the province grants permits to Indians. I do not know of any case that has been refused that has come before me.

Q. What is the procedure? Does the agent or the Indian make application to have lumber cut?—A. The Indian sometimes makes application to the agent to cut on provincial Crown lands, and if the opportunity exists I think the province would—

Q. I mean on the reserve. I am talking about lumber on the reserve.—A. The agent issues permits, yes, on the approval of the department.

Q. Then do they make arrangements with some other lumber company to come in and cut lumber on the reserve?—A. That is under licence. There are two ways of dealing with timber, one by the issue of a permit to an individual Indian or group of Indians to cut. In that case the stumpage value of the timber plus royalty goes to the deposit of the band account for the benefit of the band as a whole. In the other case the timber is advertised and sold and a licence issued to the successful competitor.

Q. Do the Indian bands and councils have any say in regard to that?—A. They have nearly all the say. The timber must be surrendered first. I think you mentioned cutting off the reserve. We have quite a development at Bella Coola. The Indians there handle not only their own timber but are hired by companies such as the Ocean Falls Pulp and Paper Co. to remove timber from the limits of the company.

By Mr. Bryce:

Q. Two of my questions have been answered already. I want to know if on any reserve in British Columbia you have started to build houses for the aged Indians? I mean the man or woman who is over 70 years of age and cannot provide for themselves.—A. Yes, in a number of cases. Assistance was given last year in the construction and repair of 94 houses in British Columbia.

Q. Was the lumber cut by the Indians, sawn by the Indians and the houses built by the Indians so that the band can have the right to those houses and have some say in operating them?—A. The lumber has not been sawn and produced by the Indians, no, not in those cases. It was purchased by the department from lumber dealers, but the Indians have assisted in the construction and improvement of the homes.

Q. Would it be the intention of your department in British Columbia to have the Indians cut their own lumber, saw their own lumber, provide work for the Indians and provide these houses in the future?—A. That is the policy.

Q. Mr. Gibson and Senator McKeen asked you about some Indians who are doing very well and have good houses. Is that a cooperative enterprise?—A. The village of Bella Coola is an example of a cooperative development. The Indians there operate their own mill and own their own equipment through assistance originally given by the department. The proceeds of the sale of timber and their earnings have been used in improving their homes. It is not so at Cape Mudge where individual effort has produced the improvements that exist there.

Q. In the one case it is a cooperative enterprise?—A. More or less.

By Mr. MacNicol:

Q. Do you think that the Indian agent should be out around the reservation more during the summer season when he can get around rather than stay around his office at headquarters?—A. Yes, I do, but it is impossible with the small staff we have. In British Columbia we only have 56 employees for 26,000 Indians, which is one employee for every 500 Indians approximately, and of the 56, 26 are stenographers and clerks.

Q. But the Indian agent should be out more among the Indians than he is?—A. He should, but as I said it is almost impossible under the conditions that exist.

Q. You are Commissioner of Indian affairs for the Indians of British Columbia?—A. Yes.

Q. Are there any other commissioners for the other provinces?—A. Not that I know of.

Q. You are the only commissioner?—A. Yes, sir.

Q. In northern Ontario the Indians have reported to me that white men have chased them away from their trap lines. Vigorous, boisterous white men have chased them away from the trap lines. What is the penalty in a case of that kind? What protection has the Indian?—A. The trap line of the Indian in British Columbia is secure inasmuch as it is registered. That registration gives him possession of the line. He cannot be deprived of the area unless he is delinquent in meeting conditions. The Indian in British Columbia does not pay a licence fee. If he wishes he can take out a \$2.50 licence which perhaps gives him a better hold, but it is really not necessary. We encourage the \$2.50 licence because we feel after all the province is looking for revenue, and if the Indian assists in the production of that revenue he will be more on an equal footing with his white neighbours.

Q. In this case white men chased the Indians off the trap lines.—A. The only instance I know of in British Columbia where there was any chasing was when the Japanese were in charge of the fishing grounds. They succeeded in chasing most of the Indians off the fishing grounds, but I do not know of any cases where whites have chased the Indians off the trap lines.

By Mr. Farquhar:

Q. Should the government approve of the recommendation made by this committee yesterday in reference to the granting of the old age pension to the Indians do you know of any way whereby we can find out the age of the Indians? Is there any record?—A. In a good many cases there are records. The church maintains a record. We have a very good system now, of course,

of registration of vital statistics. The early records are by no means complete, but I do not think that would present much difficulty in the matter of determining age fairly accurately.

Q. I am glad to know that because as to most of the Indians in my constituency no one seems to know how old they are.

By Mr. Matthews:

Q. I think you said that the Indians in British Columbia cannot preempt land?—A. That is correct.

Q. Did you say that they could not purchase land?—A. They cannot purchase or preempt land under the British Columbia Land Act.

The CHAIRMAN: Thank you, Mr. MacKay. I would appreciate it if you would stand aside so that we can get on with the Saskatchewan delegation. Mr. Castleden, would you care to introduce the Saskatchewan delegates?

Mr. CASTLEDEN: I am very pleased to introduce the Saskatchewan delegation which arrived this morning. The four gentlemen are over there at the other table. The president is Mr. John Tootoosis. Would you rise, please? He is the president of the Union of Saskatchewan Indians. Then we have Chief Joseph Dreaver, from Leask, Saskatchewan; John Gambler, who is vice-president of the Union of Saskatchewan Indians, and the Rev. Ahab Spence, who has come along with the delegation. He is teaching now on the Little Pine reserve. These gentlemen have a brief to present to the committee. We are very glad to give them this opportunity to present that brief.

Mr. MacNICOL: Are any of these Indians from the Poundmaker or Big Bear bands?

Mr. TOOTOOSIS: I am a Poundmaker.

Mr. CASTLEDEN: The president is from the Poundmaker band.

Mr. MacNICOL: Near Battleford?

Mr. TOOTOOSIS: Right

The CHAIRMAN: Which one represents the Union of Saskatchewan Indians?

Mr. TOOTOOSIS: I do. We all do.

The CHAIRMAN: Which one represents the Protective Association for Indians and their Treaties?

Mr. CASTLEDEN: John Gambler, would you give your position with regard to the Protective Association?

Mr. TOOTOOSIS: May I explain this to you? In February, 1945, we had a convention—

The CHAIRMAN: Just a moment. We had arranged that a delegation would come from certain organizations in Saskatchewan. There is the Union of Saskatchewan Indians. That is one organization, is it not?

Mr. TOOTOOSIS: Yes.

The CHAIRMAN: Then there is the Protective Association for Indians and their Treaties? That is another organization?

Mr. GAMBLER: Mr. Chairman, will you allow the president to explain it?

The CHAIRMAN: There are three organizations to whom we gave representation. I want to see they are here. What is the other one?

Mr. TOOTOOSIS: May I explain?

The CHAIRMAN: The Saskatchewan Indian Association. Who represents the Union of Saskatchewan Indians?

Mr. TOOTOOSIS: May I explain this?

The CHAIRMAN: Yes.

Mr. TOOTOOSIS: We were three groups in Saskatchewan—the Protective Association, the Saskatchewan Indian Association, and I was representing the Native American Indian Brotherhood in a certain part of the province, but in February, 1945, we amalgamated into a union organization which we call the Union of Saskatchewan Indians. There are not now three organizations in the province of Saskatchewan. That has been the misunderstanding here. There is only one.

The CHAIRMAN: We addressed a letter to Miss Gladys Dreaver, Secretary Treasurer of the Union of Saskatchewan Indians, on March 26, 1947, reading as follows:

The Joint Committee of the Senate and the House of Commons dealing with Indian Affairs is now in session and has agreed that immediately after the Easter recess of parliament the committee will hear representatives from the organized Indians in Canada.

It has been agreed to hear three representatives from each province. The Saskatchewan representatives are to be chosen as follows:

One from the Union of Saskatchewan Indians.

One from the Indian Association of Saskatchewan, and

One from the Protective Association of Indians and their treaties.

Your representative must be prepared to come here on receipt of a telegram informing him of the date on which he will be heard.

It is hoped that you will find it possible to send a written brief of the submission, which you are making to the committee, to me as soon as possible so that we may have it mimeographed for the use of the committee. Please acknowledge receipt of this letter by telegram.

Yours very truly,

T. L. McEVOY

Clerk of Joint Committee.

Then on the 5th April there was a telegram received:

Your letter of March 26, 1947, acknowledged by all parties concerned.
(signed) Union of Saskatchewan Indians, Gladys Dreaver, Secretary-Treasurer

A telegram was sent to Miss Gladys Dreaver on April 16:

Thanks your wire April 5th Please wire me collect by return if it is possible for delegates Saskatchewan Indians appear before joint committee on April 28th next at 11 o'clock a.m. Wire names of delegates and send your brief airmail immediately. Thanks.

That is signed by the clerk of the committee.

Mr. CASTLEDEN: On a point of privilege, I wonder if I might be able to shorten this. In the introduction to the brief of the Union of Saskatchewan Indians it states clearly in the second paragraph:

Mr. John B. Tootoosis is president of the Union of Saskatchewan Indians, Chief Joseph Dreaver is a veteran of two wars, and was president of the Saskatchewan Indian Association before that organization united with the Union; Chief John Gambler is vice-president of the Union and president of the Protective Association for Indians and their Treaties, which also has united with the Union; and Rev. Ahab Spence is a minister of the Anglican church and a teacher at the Little Pine Indian reserve.

These groups got together in 1946 and agreed to unite as one union. They have chosen these representatives including presidents of the other organizations and we wish to speak with one voice.

The CHAIRMAN: That is what we are trying to encourage as much as possible, but we had knowledge of these three Saskatchewan Indian organizations, and we have objection to some of the representations being made here. At this point I might give you a brief that has been forwarded from the Poundmaker reserve, Paynton, Saskatchewan, dated May 2, 1947. It is addressed to the secretary. Who is president of the Queen Victoria Treaty Protective Association—Arthur—

Rev. Mr. SPENCE: Favel.

The CHAIRMAN:

Poundmaker Reserve,
Paynton, Sask.,
May 2, 1947.

T. L. McEvoy,
Sec. of the Joint Com.
Ottawa, Ont.

Dear Sir:

We have an organization of our own here in Saskatchewan. We called it, "Queen Victoria's Treaty Protective Association." It is purely an Indian organization formed by Indians themselves.

This organization originated in Poundmaker reserve. It was formed because we did not like the briefs made by the Union of Saskatchewan Indians and because we don't like the Union as it was formed by the C.C.F.

We have made our own briefs to be sent to the meeting in Ottawa, or much better, we would like to send representatives to support our briefs.

We would also like to sit in the meeting with the Union of Saskatchewan because we do not want John Tootoosis (Poundmaker res.) to represent our reserve in any way.

We are unable to send representatives to represent our reserve or our briefs, due to shortage of money and as we have such a short notice of your meeting in Ottawa.

We would like you to consider our briefs and hope to be presented to the joint committee.

We are sure we can tell you more in person that we can by mail. Sorry we cannot send representatives from our organization as we sure would like to sit in the meeting with John Tootoosis as he is from our reserve.

This is all we can say. Hope you give your consideration on our briefs.

Yours truly.

President—ARTHUR FAVEL of the organization.

Then there is an appendix.

Briefs concerning only the Indians of Poundmakers reserve—Improvements, Living Conditions, etc.

1. We need a bridge for the creek running through our reserve. We desire that the gov't grant us materials to make a bridge.

2. We desire that a better road or highway be built or constructed through our reserve for the use of the Indians.

3. We desire the department to supply our reserve (with) a tractor or two and a full line of machinery.

4. We desire that the department grant us pigs for our own use.

5. We desire our band money to stay in Ottawa and only a small sum (\$500) be sent to be kept at the farm instructors' for our emergency use.

6. That old age people and the disabled be supplied with wood at all times. Cutting and hauling to be paid for by the department.

7. That women should be given aid in their W. A. workneedles, sewing machines, thread, etc.

Mr. FARQUHAR: Have we all a copy of that?

The CHAIRMAN: No. I will file that for printing in our minutes. We have John Tootoosis, President of the Union of Saskatchewan Indians; Chief Joseph Oreaver, President of the Saskatchewan Indian Association, and Chief John Gambler, President of the Protective Association for Indians and their Treaties. Have you any order of presenting this brief?

Mr. CASTLEDEN: I believe the president, John Tootoosis, will present it.

Mr. REID: May I ask how many briefs in all we will get from Saskatchewan, just this one or will there be others?

The CHAIRMAN: How many briefs are you presenting, one or more than one?

Mr. CASTLEDEN: Just one.

Mr. REID: I mean are there other briefs coming from other organizations? That is my question.

The CHAIRMAN: We have some here on file and already in the record. They represent individuals and reserves. They will all be printed in the record.

Mr. REID: Probably I was not listening but may I ask this question? Do I understand these four men represent one organization in Saskatchewan and they are presenting one brief?

The CHAIRMAN: They are presenting one brief. Apparently there were three organizations which we asked, and those three are now united into one organization. I believe they are all officers of one organization.

Mr. REID: Four men are here but three will be official delegates.

The CHAIRMAN: That is right. The Rev. Ahab Spence is not an official delegate.

Mr. HARKNESS: The result is we have no representative of the unaffiliated Indians of Saskatchewan.

The CHAIRMAN: That is why we asked these three organizations to send delegates, and we have so asked them.

Mr. CASE: I think there was some exception made in Saskatchewan to the usual rule because of the various organizations. In the other province we asked for three, two from the provincial organization, who were also allowed to choose one extra to represent Indians in that province not affiliated with the provincial group.

Mr. REID: My chief reason for asking is that I do not want myself personally, or the committee, to be accused later on of overlooking any section of my province.

The CHAIRMAN: I did not hear you.

Mr. REID: My particular interest at the moment is because I do not want to be accused later on of overlooking certain groups of Indians. A committee of this kind probably will not be appointed for another twenty-five years, and before we are finished we may be accused of not hearing certain groups.

Mr. BRYCE: You will not be here twenty-five years from now.

Mr. REID: Nevertheless I would like the record to be clear whether or not I am on this earth.

The CHAIRMAN: We did ask the three organizations, as agreed on March 21, to represent the Indians of Saskatchewan. These are the three representatives they have sent here.

Hon. Mr. McKEEN: I should like to ask whether there were three organizations existing at the time we asked them.

The CHAIRMAN: Can you answer that, Mr. Tootoosis?

Mr. TOOTOOSIS: In 1946 we amalgamated three organizations into one union.

The CHAIRMAN: What date was that?

Mr. TOOTOOSIS: February 23 and 24, 1946.

The CHAIRMAN: Then have these other organizations carried on since that time?

Mr. TOOTOOSIS: Yes.

The CHAIRMAN: They have?

Mr. TOOTOOSIS: Yes, but we have worked as a union since.

The CHAIRMAN: On March 26 there were not three organizations?

Mr. TOOTOOSIS: We were, before that meeting.

The CHAIRMAN: When did they dissolve? When did they cease to exist? For instance, taking it chronologically, did the Union of Saskatchewan Indians exist in February, 1947?

Mr. TOOTOOSIS: 1946—eh?

The CHAIRMAN: The Union of Saskatchewan organized in February, 1946?

Mr. TOOTOOSIS: Yes.

The CHAIRMAN: Is it still in existence?

Mr. TOOTOOSIS: The union?

The CHAIRMAN: Yes.

Mr. TOOTOOSIS: Oh, yes.

The CHAIRMAN: Take the next organization, the Saskatchewan Indian Association. Was it in existence in February? Was there such an organization in February?

Mr. TOOTOOSIS: Before the meeting there was, but we amalgamated at the meeting into one union.

The CHAIRMAN: Just a minute. On March 26 had the Saskatchewan Indian Association ceased to exist? Had it been merged with the union?

Mr. TOOTOOSIS: Yes, amalgamated.

The CHAIRMAN: Then it did not exist as a separate entity when we sent this out? Is that right?

Mr. TOOTOOSIS: Yes.

Hon. Mr. McKEEN: The point I want to raise is why was the committee not told that there were no longer these three organizations, that there was just one?

The CHAIRMAN: That is what I cannot understand.

Mr. CASTLEDEN: I did my best to explain that at the time. I said that this organization was an effort on the part of the Indians from all the organizations of the province to unite with one voice.

The CHAIRMAN: We were not told by any one at that time that the Saskatchewan Indian Association did not exist.

Mr. BRYCE: That was explained by Mr. Castleden. Look up the record. He told you there they had formed into one union.

Mr. CASTLEDEN: I did not say they did not exist. I said it was an effort to join the three together.

Mr. BRUNELLE: For the purpose of coming before this committee?

Mr. CASTLEDEN: No.

The CHAIRMAN: What we are trying to do is to get full and complete representation from all phases of Indian life in Saskatchewan. When this matter came up for discussion it was decided first that the Union of Saskatchewan Indians should send two representatives and the unaffiliated Indians one representative. There was some considerable discussion on the matter at pages 241, 242, 243, 244, 245, 246, 247, 248, 249 and 250 of our minutes. I asked:

Could you tell us how many there are in the Protective Association for Indians and their treaties?

Mr. CASTLEDEN: I do not know.

The CHAIRMAN: Do you know how many there are in the Union of Saskatchewan Indians?

Mr. CASTLEDEN: No, I would not know the numbers there.

The CHAIRMAN: Do you know how many there are in the Indian Association of Saskatchewan?

Mr. CASTLEDEN: No.

The CHAIRMAN: Apparently nobody knows. How are we going to find out? Will those in favour of the motion I just put please indicate?

Mr. CASTLEDEN: Would you also read at the bottom of page 243 where I wanted leniency in regard to the rights of these people to come here to present their case?

The CHAIRMAN: Where?

Mr. CASTLEDEN: At the bottom of page 243 and on page 245.

The CHAIRMAN:

The CHAIRMAN: A commission was appointed by the government last fall which did visit the east and will shortly be making a report.

Mr. CASTLEDEN: Under those circumstances it would appear to me it would only be fair to extend a little more leniency in regard to the rights of these people to come here to present their case if there are Indians who are not in organizations to which you have given representation.

That has nothing to do with the motion.

Mr. CASTLEDEN: On page 245 I explained what the Union of Saskatchewan Indians was. "The Union of Saskatchewan Indians was an effort on the part of a number of people to get the Indians organized. They held meetings"—

The CHAIRMAN: We are not getting that down.

Mr. CASE: If I might have a word, it would appear there has been an effort to bring representatives from these former organizations. I am wondering if it might clarify the situation if we were to endeavour to find out the reserves these gentlemen represent so that we may then determine if Saskatchewan Indians are fairly representative geographically. I should like to know from what parts of Saskatchewan they come. Would you take that under consideration, Mr. Chairman, and try to ascertain what reserves they are from and where the reserves are located so we will know if they are really geographically representative.

The CHAIRMAN: I am trying to find in the records the motion that was made on this date, and how it was determined that representation from the Indians would be obtained.*

Mr. BRYCE: There is one of these gentlemen from each of these associations that were in existence before. Is that not the case? I cannot remember the names of the associations but there were three associations mentioned, and there is one of these gentlemen from each of these associations.

* See Minutes of Proceedings, page iii, 21st March, 1947.

Mr. CASTLEDEN: The president of each.

Mr. BRYCE: The president of each of those associations, but they are presenting only one brief.

Hon. Mr. McKEEN: The point I am trying to raise is that this committee decided to have three representatives representing different groups in the province. These men are representing themselves as being from different groups and precluding anybody else from appearing here before the committee. What we now have is one organization with three delegates. The same thing came up as to British Columbia. We questioned the right of a man who belonged to one organization to represent the unaffiliated Indians. I think this thing should have been made clear to the chairman when this invitation went out that these other organizations no longer exist, that they have now combined. I imagine when the combination took place there were probably quite a number who did not go in because I have never seen any organization where there are not some people who do not agree with the one organization. I think there should be representation from all parts, whether or not it is geographical. That is the point I am trying to raise. I am not saying these men are not proper delegates to give evidence before this committee. I think they are, and I think their experience is valuable, but I do not want to shut out any other opinions that might be held or might be presented to this committee.

Mr. BRYCE: Have you any other applications?

The CHAIRMAN: We have had many other briefs presented by agencies and reserves, and by individual Indians. They are all on file, or printed as appendices.

Mr. BRYCE: But what I mean is this, has any other organized group of Indians made an application to be heard?

The CHAIRMAN: Not until this morning. We invited these people and it was understood that there would be a representative from each of three different organizations. Now we were not told at that time, or upon receipt of wires, that they were not three organizations, that there was only one organization.

Hon. Mr. McKEEN: You have a letter from other Indians stating that they could not come down because of the lack of funds.

The CHAIRMAN: That was the original intention, Mr. Bryce; that we should have representatives from three different groups. We are faced here with three representatives from one group only; we may be hearing from one side of the picture only.

Mr. BRYCE: Well, Mr. Chairman, I say let us hear what Mr. Lickers has to say. That is what we are paying him for, looking after these things.

Mr. FARQUHAR: Was it not understood that there would be one representative from the unorganized Indians?

The CHAIRMAN: No, that we would have representation from three different organizations in Saskatchewan.

Mr. HARKNESS: When it comes to the general plan which we were to follow, according to the resolution adopted, the recommendation by the "steering" committee to the main committee was that each of the western provinces in which there was organization would be represented by two Indians from the organized group and one Indian from the general following of the unorganized group, the unaffiliated Indians.

The CHAIRMAN: That is right, but an exception was made with respect to Saskatchewan.

Mr. HARKNESS: We had that type of representation from Alberta but when British Columbia came down all their representatives belonged to the Native Brotherhood of British Columbia which I thought was wrong. One of these

men, Chief Williams, was supposedly representing the unaffiliated Indians, but actually he belongs to the Native Brotherhood of British Columbia; so we did not get what we asked for in that case. We are faced with somewhat the same situation here; we have three representatives of the Union of Saskatchewan Indians and no representation for either the other organizations in Saskatchewan or the unaffiliated Indians. A large block of Indians in Saskatchewan are left without representation and the result is that we have not proper representation from all that province.

Hon. Mr. McKEEN: Did we not have Chief Andrew Paull before us also?

The CHAIRMAN: He did not represent the Native Brotherhood but rather the North American Indian Brotherhood. Now, if there are no further questions on this subject I propose that we proceed with the hearing. I think, by the way, that Colonel Harkness is substantially correct; that the British Columbia delegation did not actually include any representation from the unaffiliated Indians. They were all members of that group, the Native Brotherhood of British Columbia.

Hon. Mrs. FALLIS: We are still faced with the situation, as you read from the brief there, that groups of Indians are prohibited from giving representation here because of the fact that they have no money with which to send a representative down here, yet we have three representatives whose expenses are paid coming from one organization. That is an injustice and something into which I think we should look.

The CHAIRMAN: I think, Mrs. Fallis, if you look at the Minutes of Proceedings you will find that we dealt with it at length, and apparently unfavourably.

Mr. MacNICOL: There was the letter you read a few moments ago from one band of Indians, from one reserve, in which it was stated they had no representative here because they hadn't got enough money to send one down, yet that was from one of the big reserves. For my part, I would say, go ahead with the gentlemen you have here, the three representatives from the one organization.

Mr. CASTLEDEN: Mr. Chairman, I would not like the impression to go out that these gentlemen did not properly represent the Union of Saskatchewan Indians. They represent the largest group of organized Indians in the province of Saskatchewan. They held a representative organization meeting and they also held meetings on different agencies and reserves. They appointed a committee to assume responsibility for the preparation of the brief to be submitted here. That committee proceeded with its work and every recommendation it made was accepted and the result of their work is here. I think that since this organization has been in effect for some time, and since they fairly well represent the Indians of the province they should be heard. Lack of organization among the Indians is the great difficulty in this whole problem, and I think it is going to be even worse when the provinces of Ontario and Quebec come before us; their lack of coordination. I submit that these gentlemen do represent a very large group of the Indians of Saskatchewan.

Mr. FARQUHAR: When this thing was agreed upon was it understood that these three organizations represented all the Indians in Saskatchewan?

The CHAIRMAN: Well, not exactly all.

Mr. FARQUHAR: I mean practically all.

The CHAIRMAN: They represent by far the large majority of the Indians of the province; and at page 247 of our Minutes of Proceedings you will see that was what I said:

"The CHAIRMAN: Can we not come to a compromise here? Could we not do this, in order to get representatives of these organizations? Could we not say there will be a representative of the Union of Saskatchewan

Indians, a representative of the Protective Association for Indians and their treaties, and a representative of the Indian Association of Saskatchewan? That would give you your three provincial representatives. The North American Indian Brotherhood is already taken care of by this report of the subcommittee which permits them to have three representatives from all over Canada, one from the west, one from the central part and one from the east.

Hon. Mr. JOHNSTON: There are three separate organizations and then this union.

The CHAIRMAN: Of those three there is one of those, the North American Indian Brotherhood, which is represented otherwise.

Hon. Mr. JOHNSTON: All right.

The CHAIRMAN: Would that be satisfactory?

Mr. CASE: I think that is fair".

Mr. REID: I would suggest that we proceed with these gentlemen.

The CHAIRMAN: Is that agreeable to the committee, that this delegation will appear before this committee on behalf of the Saskatchewan Indians?

Mr. HARKNESS: No.

Mr. REID: I had not finished, Mr. Chairman; what I had in mind was to hear the Indians who are now before us and at a later stage in our proceedings the matter can be taken up again, after they have finished.

Mr. FARQUHAR: Can you tell us the percentage of the other Indians in Saskatchewan?

The CHAIRMAN: No, I haven't got that information.

Gentlemen, everybody is talking and nobody is talking; could we have one at a time, please.

Mr. BRYCE: I move that we hear Mr. Lickers.

Mr. LICKERS: I will check on the different reserves, go through the lists and find out those who are included in this organization, then find out the others who are not represented, and then make a report to the committee.

The CHAIRMAN: Which all goes to show that the best plan was the plan we adopted last fall, going directly to the Indians and letting them all come into our meetings.

Mr. HARKNESS: I would just like to say this further word with respect to Mr. Castleden's question of privilege. The question was asked a moment ago whether or not we were willing to accept these Indians as representing all the Indians of Saskatchewan. I am quite prepared to accept these Indians who are present as representing a considerable number of the Indians of Saskatchewan, but I am not prepared to accept them as representing all the Indians of Saskatchewan by any means, and I think this committee should have at least one representative from Saskatchewan Indians who do not belong to this organization; and until we have had that I do not think we will have given the Indians of Saskatchewan a fair hearing.

The CHAIRMAN: We will hear from Mr. Lickers at the next meeting and then decide whether we will call somebody else from Saskatchewan or not.

Now, Chief, would you care to proceed with your brief.

Chief John Tootoosis, called:

By the Chairman:

Q. Let me ask you a few preliminary questions: you are presenting to us a brief of 78 pages, is it your intention to read all of this brief?

Let me say, Chief Tootoosis, that we want you to feel perfectly at ease before our committee, we want you to feel free to discuss all matters freely and easily, because you are among friends here.—A. I know; I feel that I am among friends here to-day; but we have been here two or three hours now and we have not started and we are not going to have very much time; I would not have enough time to read all this brief.

Q. I think you cannot blame all of that on the committee.—A. Well—

Q. I think you will agree that all this delay has not been the fault of the committee. If the request that we made had been carried out I do not think we would have had all this discussion. However, I again want to assure you that you will be given every opportunity of being heard before this committee. I want you to feel free to present your brief easily; but be as brief as possible and be prepared to answer questions as they are put to you by members of the committee after you have presented your brief. Now, would you like to proceed?—A. Yes.

By Mr. Case:

Q. Just before you proceed, may I ask you one question?—A. Yes.

Q. Where was this brief prepared?—A. This brief was prepared in Regina.

By the Chairman:

Q. Where?—A. In Regina.

Q. Who prepared it?—A. Who prepared it?

Q. Yes.—A. Mr. Shumiatcher.

Q. He is secretary or legal adviser to the prime minister there, isn't he?—A. Yes.

Q. Is it your intention to read this brief?—A. He prepared the brief for us.

Q. Is it your intention to read this brief, or do you just want to make a general statement?—A. I could go on now and make a few remarks regarding this brief—

Q. Could we say this; you can file the brief with us and you can make your statement based on the brief; and then when any questions are asked you can refer to the brief and point out the citations relating to the point under discussion. Would that meet with your approval?—A. I think so.

Mr. CASE: The brief has been passed on by the various organizations you represent?

The WITNESS: Yes. In the first place, I am very pleased to be here before you ladies and gentlemen—

The CHAIRMAN: Did you answer Mr. Case's question?

The WITNESS: That is what I am coming to. Ever since we organized the Union of Saskatchewan Indians I have travelled to different parts of Saskatchewan explaining the objects and purposes of the Union of Saskatchewan Indians. This winter I travelled, up to the last few days, all over the province explaining to the Indians of every band what the purpose of the organization was, what we intended to submit in this brief, what was in the brief. I have explained the brief in our own language to them.

Mr. CASE: And they have agreed?

The WITNESS: They were satisfied in every case which I know.

By Mr. Reid:

Q. Did you cover any other organizations in Saskatchewan outside of the Union of Saskatchewan Indians?—A. Except a new organization which is just started.

Q. I was just wondering if any of the others are members of the union?—A. Well—

The CHAIRMAN: Sorry, Mr. Reid; we can't get it.

Mr. REID: The other organizations, some of them, belong to the Canadian Brotherhood; I am just wondering if they are members of your Union, some of them, and also members of the Canadian Brotherhood?

Mr. HARKNESS: You mean the North American Brotherhood?

Mr. REID: Yes.

The WITNESS: Well, in the first place, I used to be one of the executive of the North American Indian Brotherhood and when I was in Regina I told them I would resign.

The CHAIRMAN: You what—?

The WITNESS: Told the North American Brotherhood I would resign.

Mr. REID: Told whom?

The WITNESS: The members of the Union of Saskatchewan Indians.

The CHAIRMAN: So you are not now a member of the executive of the North American Indian Brotherhood?

The WITNESS: No.

The CHAIRMAN: I see.

The WITNESS: Certain people had objected, and I did not want them to have any grounds for objecting—I did not want the Indians from any of our organizations to have any grounds for objecting to my belonging to another organization.

Mr. CASE: Are the Saskatchewan Indians affiliated with the North American Brotherhood?

The WITNESS: No, that is a position that we cleared up at our last meeting.

Mr. FARQUHAR: I think we should let the Chief proceed.

The CHAIRMAN: If you care to continue, go ahead.

The WITNESS: In the first place, in all my time in our Indian organizations since 1932, I have been leading organizations and I feel that I am safe in saying that I have met practically all bands and they have been at our meetings, our local provincial meetings and meetings in the province of Saskatchewan. I found them always willing to cooperate in grouping into one organization, to be all in one. That was their aim at every meeting to which I have been. I had certain followers in the previous organization to which I belonged in 1932, the North American Indian Brotherhood—no, it was the League of Indians of Western Canada. That was in 1932.

The CHAIRMAN: It was called what?

The WITNESS: The League of Indians of Western Canada. Since 1932 I went out for that organization and held meetings, and finally here about four years ago we joined the North American Indian Brotherhood; and as I mention in the brief at the meeting of February 23 and 24 we amalgamated into the one organization known as the Union of Saskatchewan Indians. I had a meeting with my followers and that took place, and they came to the decision that they would join these other three groups in Saskatchewan into one provincial organization which came to be known as the Union of Saskatchewan Indians. That was the situation. They amalgamated into one group. We would be better organized if it were not for interference from certain people in the province of Saskatchewan. We have the facts to prove that there has been interference, that there is interference to prevent us from organizing in the province of Saskatchewan. My followers are always well organized. However, there are certain groups starting in the southeastern part of Saskatchewan—I come from the northwest, and my friend here comes from Prince Albert.

The CHAIRMAN: Where is that situated in the province, Prince Albert?

The WITNESS: That is in the northern part. This interference has come mostly since the Indians started to try to organize into one body so that they

would be able to speak with one voice, so that they would be able to bring their grievances properly before the department or any other body—it was then that this interference started to divide up the Indians and keep them from organizing.

Mr. HARKNESS: To whom are you referring, to what interference?

The WITNESS: It is in the brief here—

Mr. BRYCE: I think the witness should be allowed to continue his statement.

The CHAIRMAN: I want to be as lenient as possible with the committee.

Mr. BRYCE: I want you to get a square deal and I want you to get your brief in. I think questions should be held over until this gentleman has completed his presentation.

Mr. HARKNESS: I agree with what you say, but my point is that the witness has made the statement that there has been interference preventing them from organizing.

Mr. BRYCE: Why don't you ask your questions after the witness has completed his statement?

Mr. HARKNESS: There was a reference by him to a matter of interference.

The CHAIRMAN: I think I was perhaps negligent in not having rapped my gavel. I think Mr. Harkness will agree that we should hear the Indian representatives and then any questions can be put to the witnesses; is that agreeable?

Some hon. MEMBERS: Agreed.

The CHAIRMAN: Have you anything more you would like to add?

The WITNESS: I would like to explain about this interference. When we started to organize on my own reserve we met interference. We deal with the matter of interference in our brief. May I read it?

Mr. BRYCE: What page is that?

The WITNESS: It reads:

STATUTORY DECLARATIONS WITH RESPECT TO THE BRIEF OF THE DUCK LAKE INDIAN AGENCY

We, Angus Baldhead, of the Duck Lake Indian agency, and Harry Bighead of the Duck Lake Indian agency, in the province of Saskatchewan, jointly and severally do solemnly declare:

1. That on or about the 26th day of March A.D., 1947, Chief Don E. Gamble of the Beardy's Band at Duck Lake agency called a meeting of all of the Indians of the band for the purpose of writing a brief for the Indians of the Duck Lake agency, and that we were both present at the meeting on that occasion;

2. That there were four bands represented at the said meeting, being the following, viz., One Arrow, Beardy's, John Smith and James Smith bands;

3. That approximately 30 persons were present, and that included among them, and sitting at the head table was Mr. N. J. McLeod, Indian Agent, and Chief Donald Gamble;

4. That before the meeting started, Mr. McLeod asked Joe Gamble, son of Chief Donald Gamble to act as chairman and although Joe Gamble suggested that a chairman be elected, Mr. McLeod insisted that Joe Gamble act as chairman;

5. That present also, and acting as clerk was the Indian agent's clerk, Mr. Victor Heidegurgan, or of some similar name, and he made notes of the discussions and compiled the brief;

6. That shortly after the meeting opened, John Henry Eyahpaise, a band member, asked for an explanation as to how this brief was to be prepared and suggested that some reference be made to the draft brief

of the Union of Saskatchewan Indians, and following a discussion, Mr. McLeod said that those who are in favour of the Union of Saskatchewan Indians or are connected with that CCF outfit had better pack up and go;

7. That shortly thereafter, we left the meeting and a great many other band members left the meeting leaving no more than 10 to 15 members present at the meeting.

8. That we left the said meeting on account of Mr. McLeod's remarks and because of his domination of the said meeting, which we regard as improper.

And we make the declaration conscientiously, believing it to be true, and knowing that it is of the same force and effect as if made under oath in virtue of the Canada Evidence Act

Declared before me at the
City of Saskatoon, in the
Province of Saskatchewan, this
28th day of April, A.D., 1947

Sgd. ANGUS BALDHEAD

Sgd. HARRY BIGHEAD

(SEAL)

Sgd. MORRIS C. SHUMIATCHER
A NOTARY PUBLIC IN AND FOR THE PROVINCE OF
SASKATCHEWAN

The CHAIRMAN: Well, now, so far as we are concerned there has been no politics introduced at any time into the discussion of this committee, up to the present time, and I think that members should keep that in mind. We certainly will not permit it to enter at this stage. Then, what else have you?

The WITNESS: There is a letter here given to me by that band.

By the Chairman:

Q. What band?—A. Duck Lake.

Q. Yes; what is the date of it?—A. It is the same date as the meeting. I do not see any date in here. It reads:

We, the undersigned, members of the Beardy's band, are not in favour of this Duck Lake agency's brief that has been forwarded to Ottawa recently, to the committee of the Senate and the House of Commons, we feel that our leaders, Chief and councillors had not played the just right to their band of Indians.

We also feel that an Indian agent and his clerk should not have the right to be present, and direct such a meeting of great importance, and also we do say that our briefs and interests should be left entirely to such band of Indians to direct their own private meeting especially for the purpose of presenting our briefs.

We, the members, are strongly in favour of the Union of Saskatchewan Indians and we are also presenting to the Union our trust of confidence.

We feel also that it consists 100 per cent Indian organization.

We are now presenting the following names of members that are with the Union.

Q. Do you want to file the letter with me here?—A. If you wish, Mr. Chairman. Now I have another letter to read here, if you permit me.

Q. I did not hear what you were saying.—A. I want to read this letter concerning the matter from Duck Lake.

Q. Well, you are making the presentation.—A. It reads:

Beardy's Reserve,
Duck Lake, Sask.
May 4th, 1947.

The President of Union Saskatchewan Indians,
John B. Tootoosis

Dear Sir,

We solemnly declare that the writer of this letter, Harry Bighead, has obtained permission from the Chief, Donald Gamble, to report to you the president of our organization, the opposition we had concerning this Union of Saskatchewan Indians, and also what is being reported in this letter was witnessed and is the truth.

A meeting was held at the Duck Lake Indian residential school which was arranged by the principal, Rev. Fr. G. M. Latour, who addressed the people by advising them to do away with this Union of Saskatchewan, he said it was connected with the C.C.F. political party. Furthermore he persuaded the band to have their own agency brief.

On the 26th of March another meeting took place at this same place and this time our Indian agent, Mr. N. J. McLeod and his clerk Victor Heidegerken were present. The brief was made without the band's being given a chance to say what they thought of it. One member tried to protest to be given fair justice to the people, and have the Union of Saskatchewan be explained first, before anything else be done, but Mr. McLeod replied, "If someone is in favour for Union of Saskatchewan which is in connection with the C.C.F. you had better pack up and go."

Many of us left for home before the brief was finished as we did approved of it but was given no chance to say so.

This brief was signed by the Chiefs and councillors of the three reserves, John Smith, James Smith, Beardy's reserve, and later was submitted to the Joint Committee of the Senate and the House of Commons, without the approval of Beardy's Band.

You will find the copy of this brief enclosed belonging to our Councillor Joe Gamble. I was given permission to submit it to you.

May this document be of help to both you and us. And may this all stay united in one strong union.

Yours sincerely,

(Sgd) HARRY BIGHEAD.

Witnesses: (Sgd) JOHN EYAHPAISE

(Sgd) ANGUS BALDHEAD

(Sgd.) MIKE BIGHEAD

The CHAIRMAN: Gentlemen, it is now one o'clock. We will meet again at four o'clock this afternoon.

The committee adjourned at 1 p.m. to meet again at 4 p.m.

AFTERNOON SESSION

The committee resumed at 4 p.m.

The CHAIRMAN: The member of parliament from Fort William, the Rev. Dan McIvor, is here and would like to say a word to this committee if you will permit him to do so.

Mr. CASE: Could we not hear him when the Indian delegates are not here?

The CHAIRMAN: He is an honorary Indian chief in his own right and there are some of the representatives from Saskatchewan whom he knows. If it is your pleasure we will have him say a word.

Mr. BRYCE: Two minutes.

Mr. McIVOR: I appreciate this opportunity very much. It knocked thrills out of my diaphragm when I found out that two of my former pupils in Regina were here today. The industrial school football team came down and knocked the spots off the Regina civic team. These boys were honest. They were truthful, and they would kick like Sam Hill when they had something worth kicking against. I can tell you anything they say will be worth hearing and they can back it up with good common sense and experience. I thank you very much for this opportunity. I refer to John Gambler and Joseph Dreaver.

Mr. CASTLEDEN: I should like to endorse that.

The CHAIRMAN: There was some question brought up as to whether or not the Indians of Saskatchewan are fully and properly represented here. If it is your pleasure we will ask Mr. Ostrander, who is the inspector of Indian agencies for that province, to say something on that.

Mr. REID: What is his first name?

Mr. OSTRANDER: James.

The CHAIRMAN: James Ostrander, Inspector of Indian Agencies for the Province of Saskatchewan. If it is your pleasure I will ask Mr. Ostrander to tell us if there is any way to get better representation from the province of Saskatchewan than what we have.

Mr. OSTRANDER: Thank you, Mr. Chairman. I have no hesitation in saying that these four gentlemen can properly represent the Indians of Saskatchewan as far as it is possible to do so. I took all the trouble and time I possibly could to be sure that the representations of the Indians of Saskatchewan were put fairly and justly before this committee, and I have no hesitation in standing behind these four men as being fully capable and fitted to make representations to you.

The CHAIRMAN: Thank you very much. Shall we proceed with Mr. Tootoosis.

The WITNESS: Mr. Chairman, and members of the committee: I should like to correct a misunderstanding that arose before dinner. The members of the delegation pointed out to me after we left here that some serious misunderstanding might result from my answer to the question asked me this morning as to who prepared the brief. I want to make it clear that the brief was prepared by the Indians as a result of many meetings held by them. Mr. Shumiatcher assisted by having the brief printed at Regina. I am making this statement to make it clear it is our own brief, and that Mr. Shumiatcher helped by having it printed for us.

The CHAIRMAN: Very well.

The WITNESS: I wanted to make that very clear.

By Mr. Case:

Q. Who was present during the preparation of the brief?—A. If you will allow me I will read this to you.

UNION OF SASKATCHEWAN INDIANS

Minutes of a meeting of the committee to prepare a brief for presentation to the Federal Legislative Committee on Indian Affairs.

REGINA, May thirty-first, 1946; June first, 1946.

Present: Chief John Gambler, Emil Dubois, John Keewatin, Hector Brass, John Pelly, William A. Bear, Joe Ironquill, Ernest Goforth, Henry John Ajicoutay, Members of a committee established for the above purpose at Lebret on May 5, 1946.

Also present were: Alfred Peegan, Qu'Appelle; Ed Stonechild, Qu'Appelle; Alec Bear, Pelican Narrows and Horace Seewab, Pelican Narrows. Dr. M. C. Shumiatcher acted as legal adviser.

The committee meeting convened in the Legislative Building at 2.30 p.m. on Friday, May 31, 1946.

In the absence of John Tootoosis, president of the Union, Chief John Gambler, vice-president, took the chair.

Upon the motion of William Bear, seconded by Hector Brass, Ernest Goforth was appointed secretary of the committee.

The general problems arising from the submission of a brief from the Union of Saskatchewan Indians to the legislative committee at Ottawa were discussed, and it was decided that the brief should follow the terms of reference set out in Hon. J. A. Glen's resolution to the House of Commons of May 13, 1946, and that agreement should be reached as far as possible with the Indian organizations of British Columbia, Alberta and Manitoba in sending a single brief to Ottawa for these groups.

The contents of the brief were then discussed in detail under the following headings:

1. Treaty rights and obligations.

2. Band membership.

The meeting adjourned at 5.30 p.m. and reconvened at 8.30 p.m., and further questions under the above headings were discussed and settled. Also discussed was head 3:

3. Liability of Indians to pay taxes.

The meeting adjourned at 11.00 p.m., and reconvened on Saturday, June 1, 1946 at 10.30 a.m. The following subjects were discussed and the contents of the brief settled under the following heads:

4. Enfranchisement of Indians both voluntary and involuntary.

5. Eligibility of Indians to vote at dominion elections.

6. The encroachment of white persons on Indian reserves.

7. The operation of Indian day and residential schools.

8. Other matters pertaining to the social and economic status of Indians and their advancement.

Dr. Shumiatcher was then requested to incorporate the terms of agreement reached by the committee in a draft brief to be submitted to the members of the committee for approval, whereupon it would be re-typed and forwarded to Ottawa with the delegation. In the meantime, it was hoped that agreement might be reached on these points with the Indians of other western provinces.

Upon the motion of E. Goforth seconded by John Keewatin, it was resolved that delegates be sent to the Manitoba Indian conference to be held at Winnipeg in June 11 and 12, 1946, and chief John Gambler was nominated as a delegate. Upon the motion of William Bear seconded

by Joe Ironquill, Chief Joe Dreaver was nominated a delegate. Both were unanimously elected to represent the committee at the Manitoba meeting.

Upon the motion of Hector Brass seconded by Joe Ironquill, the meeting was adjourned at 1.30 p.m.

Certified correct:

JOHN GAMBLER

Chief John Gambler, Chairman

E. GOFORTH

Earnest Goforth, Secretary.

Mr. CASTLEDEN: On a point of privilege, due to the fact that press reports have gone out, I understand, to the effect that this brief was prepared by Dr. Shumiatcher I would request that this committee ask the press to give equal publicity to the explanation given this afternoon.

The CHAIRMAN: Thank you. Would you care to continue, Mr. Tootoosis?

The WITNESS: I have certain matters I should like to take up. From my experience in the past I should like to present the picture of a number of complaints we have in the brief of the Union of Saskatchewan Indians. In 1920 the department tried to lease a part of our reserve under subsection 3 of section 93.

By Mr. Harkness:

Q. Which reserve is that?—A. Poundmaker. It happened we had money. It was lucky it was not held by the department. We started to build a pasture which we still use. We built a hall and bought cattle out of the moneys received from this pasture. At the time Mr. Graham was Indian commissioner at Regina and he was told this land was vacant and was not used by the Indians although we were using a part of it, the good flats on the east side of the creek where we had our hay lands. Mr. McDonald, the Indian agent at that time, said that this land was vacant and not used by the Indians. My father was the leader at that time. Mr. McDonald came down and told him that this land was leased to this sheep man. I forget his name. He was a sheep man who was coming on the reserve. Mr. McDonald said, "It is leased. You cannot hold it back."

We went to work and went to see a lawyer as to what we could do, and we decided to build a pasture. We started to build a pasture. I worked there all that spring planting pickets to build a pasture. We had several miles planted. A fellow by the name of Bear was working with me. He was hired by the band. After we had these pickets planted for a certain number of miles on that reserve the Indian agent came and said, "The Indian department says Mr. Graham will make you take those pickets up. You are wasting your time." But we kept on building the fence and we are still using that pasture today. That is one difficulty we have had. If we had not had that money at that time in our hands it would have been leased for a very small rental.

The Indians of Saskatchewan are treaty Indians. We made a treaty with Great Britain in the first place, and the trust was given to the Canadian government to live up to our treaties. Ever since the first treaties the Indians have felt that the officials have not complied with those treaties. This was the attitude of the officials. In 1924 we were having a meeting with the Indian agent, Mr. S. L. McDonald, to surrender a piece of road from Paynton to Cut Knife through Poundmaker and part of Little Pine reserves. One of the members, Kasokegon, mentioned the treaty. That was like a slap in the face to the Indian agent. He said, "Do not mention that again. That is of no more use." He said, "I could even put you in jail for it."

In 1930 I reported the farm instructor of Little Pine reserve to the Hon. Mr. Murphy, Superintendent General of Indian Affairs, for collecting 1 cent per pound more for twine than what it was worth at that time. At that time twine was worth \$14.75 per hundred. The twine agent came around in treaty time to take orders as to how much twine we were going to use that fall, as usual, and my understanding was that we would pay for this twine after threshing.

Mr. W. D. Taylor, the farm instructor at that time came around and told me he had orders to collect all Indian debts, what the Indians owed. He came over and told me that. I said, "Whenever did you give me an order to get anything on time." He has given orders for some members for certain things, and he collected a cent a pound more than what the twine was worth. I sent a complaint to the Hon. Mr. Murphy who was Superintendent General of Indian Affairs. Mr. A. G. Hamilton, the inspector of agencies at that time, who is in Manitoba now, came over to inspect my complaint.

By the Chairman:

Q. Would you speak just a little more slowly so the reporter can get it down?—A. On January 14, 1931, he made a piecemeal inspection with W. D. Taylor interpreting for him, and also the agent, Mr. S. L. McDonald. You pretty nearly had to yell your head off to make him hear. He was awfully hard of hearing. He had this man as an interpreter for him. He did not hear. In the month of February, 1931, I obtained the report of Mr. A. G. Hamilton, which I still have, and I was going to report the whole three because the evidence given them by the Indians was as much different as black and white. The farm instructor was a man in whom the Indians had no confidence. They could not believe what he said. That man was there until he got his superannuation. That is the man I was reporting, but that is the trouble. When the Indians have made complaints in the past they have never had any hearing.

In 1934 I was called to Lesser Slave Lake agency by Mr. Pat Lalond. When I arrived at Edmonton the Indian agent, Mr. Laight of Winterburn, had received a wire to warn me that I would be prosecuted as soon as I landed on the Drift Pile reserve. I had never been there before. On a Monday taking my train there was the R.C.M.P. in the doorway of the car. They stopped me and gave me the same warning that I was to be prosecuted as soon as I landed at Lesser Slave Lake on the Drift Pile reserve, but I kept on going knowing that the day would come when Indian conditions would have to be changed if the Indians would keep on hammering away for better health conditions, better education, which is needed more among the Indian people to-day than any other people in Canada.

In 1936 I came to Ottawa alone to speak for my people. Previous to that I had already been in with an Indian organization, the League of Indians of Western Canada, for four years. When I came to the Indian department my first contact was with Mr. MacKenzie, the secretary of Indian Affairs. After a little conversation and answering certain questions he asked me when these resolutions were passed. I said, "In the last five years." He threw the whole set of resolutions on the side of his desk. He said, "Here is what I do with the stuff when it comes here." Then I jumped up and had a tongue battle with him. Then Mr. MacInnes, the present secretary, came in from the next room. He said, "The gentleman was here yesterday and handed me these resolutions." He said, "Everything written here is good for the Indians." Mr. MacKenzie cooled off. That is the way I have been used in the past when I was trying to help my poor Indians. Mr. MacInnes said, "Everything that is written here is good for the Indians but it is up to the department to work so that the government will give them to them. I do not mean to say that we will get the results to-morrow, but some of these matters can be adjusted now and some later in the years to come."

Here we are to-day from all over Canada to present our views and desires as to what is good for the Indians. I sincerely request the committee to thoroughly study our brief from Saskatchewan and all Indian briefs because we Indians are the people affected by the present administration ever since it has existed as far as I have learned from the Indian people.

We have certain Indian reserves which have disappeared. We would like to know what became of them. One reserve was mentioned to me when I had a meeting with the Ochapawace band on the Crooked Lake agency, the Chakachass reserve. This chief had lived there for a number of years. One day Chief Chakachass went over and told Chief Almighty Voice, who was the chief of that band at the time, that he was going to the United States, and leaving his people to this Chief Almighty Voice. The band is going now by the name of Ochapawace reserve. Some of the people of Chakachass went to live with the Ochapawace band. Consequently this reserve was taken up by the white people, as I was told by this band, and I had a meeting with them at the chief's house on November 19, 1946. These people claim that they should have owned the reserve by rights.

Then there is the Keeseekoose reserve on the Pelly agency. There was a meeting on December 18, 1946. That reserve extended to the west side of the Assiniboia river. So these people, as I understood, never had any hay and sufficient for their requirements and they saw some good hay land at Duck mountains and reported to their Indian agent, and they were told that the matter would be taken up with the department. So a few weeks later they were told that trade of land was considered and the west side was no longer their land, and they wintered cattle at Duck mountains for a few winters, and some years later that land was taken up by the white people, and so was the land on the west side of the river. So both the lands are occupied by the white people.

There are a number of cases in the province of Saskatchewan where the Indians have lost land. Therefore, I request this committee to look into this matter and see what can be done about it. The Indians claim this is their land.

Hon. Mr. HORNER: Was the land not sold and placed to your credit?

The WITNESS: They never got anything for it. They do not know.

The CHAIRMAN: Have you finished what you would like to say?

The WITNESS: Yes, for this time.

The CHAIRMAN: Well, we will hear from Chief Joe Dreaver.

Joe Dreaver, called:

By the Chairman:

Q. May I ask you where you live?—A. At the present time I am living on the Mistowasis reserve.

Q. What part of Saskatchewan is that?—A. West of Prince Albert fifty miles.

Q. Is that north and west?—A. In the province of Saskatchewan—probably about the central part of the province of Saskatchewan.

Q. The western central part?—A. Prince Albert is almost the central point, I think.

Q. What band are you connected with? To what reserve do you belong?—A. The Carlton agency, which I believe is one of the biggest agencies in the province of Saskatchewan.

Q. What reserve do you live on?—A. Mistowasis.

Hon. Mr. HORNER: How many reserves does the Carlton agency embrace?

The WITNESS: I believe Mr. Ostrander would know the answer better. I asked the Indian agent when I was leaving how many points or reserves there were where Indians were located.

The CHAIRMAN: We can get that from the department.

The WITNESS: I am referring to Mr. Jones, our Indian agent. I asked this particular question you asked me: How many reserves are there on this particular agency? Well, as far as I know there are thirteen large reserves and different bands are broken up into little groups that live on different points up north, and the Indian agent, I think, has the care of probably around twenty-four different reserves.

By The Chairman:

Q. What is your age, approximately?—A. Fifty-five.

Q. What is your business?—A. I would say farming at present.

Mr. BRYCE: He has been a soldier most of his time—a soldier in two wars.

By The Chairman:

Q. Yes. I notice from the buttons you are wearing that you were a member of the armed forces during World War I and during World War II. What military service did you have?—A. During the first great war I served in France and Belgium and I was in Germany for a couple of months after the armistice was signed.

Q. How many months were you in the services altogether?—A. I was in the army nearly four years.

Q. That is in the first war. How long were you in the second war?

A. Approximately four years.

Q. And did you serve overseas in the second war?—A. Not in this war. I tried to go over but there were many younger men who could do the work better than I could.

Mr. HARKNESS: You were in the Veterans Guard, were you not?

The WITNESS: Yes.

By Mr. Case:

Q. Are you the chief of your band?—A. Yes.

Q. Are you elected to that office?—A. Yes.

The CHAIRMAN: If there are no further preliminary questions will you proceed, please?

The WITNESS: Before I go on with the main part of my evidence I would like to read a message of greeting.

The CHAIRMAN: Thank you.

The WITNESS:

Mr. Chairman and other Members of the Joint House Committee: On behalf of the Indians of the prairie provinces we bring greetings to our Honorary Chief, Chief "Wise councillor", the Right Hon. W. L. Mackenzie King. To our knowledge this is the first time the government of Canada has asked Indians to come and make representation in Ottawa. We wish to thank the government of Canada for this privilege.

We wish to thank Chief Wise Councillor, whose wise counsel and leadership has helped to make it possible for the voice of the Indians to be heard at this time. We wish also to thank his minister, the Hon. Mr. Glen, for the part he played in bringing about this hearing.

We, members of this delegation, would appreciate it if the joint House committee would convey these few words of greeting and thanks from the Indians of the prairies to their Honorary Chief.

The CHAIRMAN: Thank you very much. I am sure the Prime Minister will be very happy to have that greeting.

The WITNESS: First of all I wish to add my thanks to the members the special joint committee for the privilege extended to the Indians of Saskatchewan to have their delegates appear before you to-day and also for the financial assistance extended to the Indian delegations, especially for the assistance given to this delegation of which I am a member—because, owing to the very poor economic condition of our Indians, the financial standing of our organization is not as good as it should be—so your kind assistance was sorely needed, and is greatly appreciated. I wish some of you gentlemen could have been at our recent meeting and heard the cheer of approval that went up when the Indians learned that the expenses of three delegates would be wired to them.

In presenting this brief we do so in the sincere hope that we will not hurt or antagonize anyone who is interested in the future advancement of our people. We present this brief with the sincere hope it will help all interested parties to formulate a plan or policy whereby the status of the Canadian Indian will be improved, and may the day soon come when the Indian will lift his head, knowing that he can meet his fellow countrymen as man to man, knowing that his rights will never be molested, knowing that he can enjoy not only some but all benefits of true democracy in this country—the land of his birth. We represent an organization that is non-political and non-sectarian. We will work in harmony and in cooperation with any body, party or organization that is interested in the welfare and advancement of the Indians of Canada.

But surely, in this modern age, and in this land where we believe the true democracy we helped to fight for still rules, we should not be expected, nor asked, to promise cooperation blindly. The Indians do not know the ultimate aim of the Department of Indian Affairs. Any plans or policies formulated by the department in order to achieve this aim are not revealed to the Indians. We recognize the need of secrecy in warfare, but the department has not declared war on the Indians and so we question the necessity of being kept in the dark.

If the policy of the department was to exterminate the Indian, or if they intended to make the living conditions on the reserves so unbearable that the Indians would in time be forced to disperse and abandon their heritage, then there would be good reason for secrecy.

Without the enlightened cooperation of the Indian himself, very little can be accomplished in the way of helping him to rise from the position he is in now.

Our greatest need to-day is proper education. We are being forced by changing conditions to adopt the white man's way of living, but before we can adapt ourselves to your way of living we must have education. We believe that we are entitled to free education. We base this belief on the promise made to our forefathers when the treaties were signed. Then if we are right in assuming that free education is ours by right, we should not be placed in the undignified position of having to depend on charity or charitable institutions in order to obtain an education.

We believe that we have a right to free medical care. Therefore we beg to draw the attention of your committee to the need of proper medical care. The average Indian doctor has too much territory to look after. The impression I got from conversations with different doctors on the reserves was that they would like to do more for the Indians, but that they had to keep expenses down.

The housing conditions on our reserves are, to say the least, deplorable. There is a definite need for a housing program.

The scarcity of good water on some reserves is something that needs investigation.

Something should be done to improve the lot of the Indian veteran. The amount of grant granted to them is insufficient to establish them properly, due to the high cost of living today.

The expropriation of Indian lands on reserves should be discontinued. The Indian agents who were overworked before the Veterans' Land Act is brought into force now have the added burden of administering the affairs of the Indian veterans.

I maintain that a lot of the misunderstanding that exists on the reserves could be cleared up if the administration was sufficiently staffed. I believe that some of the Indian veterans themselves could give very valuable assistance taken on the staff.

Hoping that you will give these matters your full and sympathetic consideration. I thank you.

The CHAIRMAN: Chief John Gambler, have you anything you would like to say? Would you answer a few preliminary questions? The acoustics are bad in this room and it is difficult to hear.

Mr. CASE: He wants to make a statement on procedure.

The CHAIRMAN: Would you like to say something about procedure?

Chief GAMBLER: It was arranged that I should appear before the committee tomorrow and at this stage I am not ready with the material which might assist in presenting my case.

The CHAIRMAN: I wonder if you would answer a few questions. What part of Saskatchewan are you living in?

Chief GAMBLER: Fort Qu'Appelle in Saskatchewan.

The CHAIRMAN: Where is that?

Chief GAMBLER: That is thirty-five miles northeast of Regina, between Mooseville and Regina.

The CHAIRMAN: Is that in the southern part of Saskatchewan?

Chief GAMBLER: Yes, pretty near the southern part of Saskatchewan.

The CHAIRMAN: What is your business?

Chief GAMBLER: I am engaged in mixed farming and everything else.

The CHAIRMAN: What is your reserve?

Chief GAMBLER: Muscowpetung, the Qu'Appelle agency.

The CHAIRMAN: Are there any preliminary questions?

Mr. CASE: Are you the chief of the band?

Chief GAMBLER: Yes.

Mr. CASE: And you are elected to office?

Chief GAMBLER: Yes.

Mr. CASTLEDEN: Are you related to the Gambler who helped to sign the treaties?

Chief GAMBLER: Not at all, Mr. Castleden.

The CHAIRMAN: Thank you very much, Chief Gambler, we will hear you tomorrow.

Now we have with us the Rev. Mr. Spence.

Rev. Mr. SPENCE: Mr. Chairman, I would like to make a statement before I ask me any preliminary questions. I also wish to make my presentation tomorrow, but I am the youngest member of this delegation and was put on the list just two days before we received your wire—the day we received your wire, as a matter of fact, I was elected as a delegate. Previous to that time I was under the impression, as many of us evidently are, that this organization was a C.C.F. organization, and I wanted to make sure for myself before I became associated with it. Now, I am sure it is not a C.C.F. organization; therefore, I am not one of its delegates. I wish to present my case tomorrow, if that is possible.

The CHAIRMAN: The only difficulty we have, Mr. Spence, is that tomorrow is Friday and many of the members will not be here. It is a busy day for

members. They have other duties which they must perform and they cannot attend the sessions of this committee, so that if you could accommodate us by giving us whatever is available today and then probably tomorrow you would be in a position to give answers to questions. I do not want to inconvenience you. I think the delegates generally have found they had a lot of notice before this hearing.

Mr. FARQUHAR: I think it is grossly unfair to Mr. Spence if he were asked to go on now. We gave them two days and I suppose they have arranged for two members of their delegation to be heard today and the other two tomorrow. I do not know that there should be many away tomorrow. If he is not ready I do not think we should insist on his presenting his submission now.

Mr. CASE: My thought, Mr. Chairman, is that we could go ahead and examine the two witnesses who have been heard today.

Mr. HOEY: My suggestion to the committee, Mr. Chairman, is that the witness (Mr. Spence) has had something to do with the operation of Indian residential schools. That is a matter in which the committee is particularly interested and I would suggest that in Rev. Mr. Spence we have an Indian who has had experience in the operation of the Indian day schools, one who can give us valuable information by question and answer, apart altogether from his submission. Far be it from me to even appear to dictate to the committee with respect to procedure, but I think that we can spend the next hour very profitably in questioning not only these two who have made their submissions, but Mr. Spence as well, keeping in mind particularly the fact that Mr. Spence is an experienced educationist in the Indian field.

The CHAIRMAN: Would that be agreeable to the committee; or, if you would like to make a short submission and then you can present your brief tomorrow.

Rev. Ahab Spence, called:

The WITNESS: I would just like to say this, Mr. Chairman and honourable gentlemen—

By the Chairman:

Q. If I might interrupt you, I suppose we should ask you a few preliminary questions just so that we get well acquainted in here. You are a resident of what town or village or community?—A. I am at present a resident and missionary teacher at Little Pine Indian school, at Paynton, Saskatchewan.

Q. What part of Saskatchewan is that in?—A. That is in the Battleford agency.

Q. And that is in the northern part of Saskatchewan; and you are a clergyman, are you?—A. I am a clergyman of the Anglican church; of the Church of England in Canada.

Q. Yes; and would you mind telling us what your age is.—A. I am thirty-four.

Q. Where did you go to school?—A. I have been to several schools in my day. I started—

Q. You don't think you have ended your day yet?—A. I started school at Mackay boarding school at The Pas; and at the present time I am a member of that band in good standing; and from there I was transferred—incidentally may I say that I did not come here to talk about myself.

Q. We are asking you that as a foundation.—A. At the age of sixteen I had the privilege of going to a white school at Mortlach, Sask. The clergyman who took me there was the Rev. H. C. M. Grant.

Mr. HARKNESS: You are a considerably younger man than I am.

The WITNESS: Perhaps I am. I entered the public school there, the high school; incidentally, I was the only Indian at that school and was the pet of everybody.

By the Chairman:

Q. And after you got out of high school?—A. After I got out of high school at Mortlach I went to the Elkhorn residential school, I boarded there and went to high school in the town of Elkhorn, the Elkhorn high school. From there I went to Prince Albert, to St. George's college in Prince Albert; from there I went to Saskatoon, to Emmanuel college for four years and graduated in 1937.

Q. Did you have your Arts degree?—A. No, I have not sir. I am trying to get it.

Q. Are you working on that now?—A. Yes, sir. I have a degree in theology, L.Th.

The CHAIRMAN: Are there any questions members of the committee would like to ask as a preliminary?

Hon. Mr. DUPUIS: Are you an ordained priest?

The WITNESS: I am an Anglican clergyman, ordained in 1937, and still in good standing and paid by the church to take services.

The CHAIRMAN: Now, what would you care to say, if anything, before we ask you some questions?

Mr. HARKNESS: Might I ask one question before he proceeds, Mr. Chairman?

The CHAIRMAN: Certainly, Mr. Harkness.

Mr. HARKNESS: Have you had any teacher training in addition to your theological training? I understand you are now teaching.

The WITNESS: No, I did not.

By Hon. Mr. Dupuis:

Q. You are teaching, in what kind of a school?—A. I am teaching in a Grade I school at Little Pine. This is my fourth year at Little Pine.

Q. Are there many other teachers?—A. I am the only teacher. There are twenty-eight pupils.

Q. Are they all Indians?—A. There is one non-treaty Indian.

The CHAIRMAN: Would you like to say something now?

The WITNESS: Well, Mr. Chairman, I don't quite know how to start. I have made notes on the train and they are all over the page, but I hope the opportunity will be presented to me to make any corrections later on tomorrow. If I make any mistakes today I hope an opportunity will be presented to me to correct them.

Mr. CHARLTON: I suggest it would be better to let him wait until tomorrow.

The CHAIRMAN: What I had in mind was that he might present his brief tomorrow but that in the meantime he might have something to say. Would you care to answer some questions now, Mr. Spence? Some members of the committee might be prepared to ask you questions now along the lines suggested by Mr. Hoey.

By Mr. Harkness:

Q. Have you any experience with residential schools or day schools?—A. Not as a teacher, no.

Q. As a pupil?—A. As a pupil, I have.

Q. What school was that?—A. The McKay Boarding school at The Pas.

Hon. Mr. DUPUIS: Have you any suggestion to make on the improvement of the system of education?

The WITNESS: I will bring that up tomorrow on the question of Indian education as a whole.

By Mr. Case:

Q. Are you familiar with this brief—A. I have read it over and digested it. As I said, I would not have joined the delegation had I thought it had been prepared by the C.C.F.

Q. That is a personal matter, never mind. I see that you have devoted considerable space to the subject that religious education should not be the principal object of school. Would you like to speak to that for a moment?—A. Where is that?

Q. Article 15. Religious instruction should not be the principal object.—A. Oh, yes, if I may I will read the whole section:

15. *Religious instruction should not be the principal object.*

Educational should be upon a high and impartial basis, with academic learning as its principal object rather than religious instruction. This organization is of opinion that religious instruction for Indians should be upon a basis as voluntary as it is at present for other groups, in order that the Indians may be permitted to choose according to their conscience, the religion which they desire to embrace. Though parochial schools have contributed much to the education of Indians, the time has now come when it is necessary to separate education from religion, in order that the fullest time and energy may be devoted to the former, and in order that the principle of freedom of religion and the conscience, may become meaningful for the Indian. Abolition of parochial schools is therefore recommended, and public schools interdenominational in character would replace the existing institutions.

Now, in connection with that I would like to make a statement. I am not here representing the church. I am here to speak as a treaty Indian, and I am going to speak accordingly. Furthermore, I am not here to embrace any political party or any member of the Indian party. I am here to tell my story and I am going to tell my story in the way that I, as an Indian, see things. In this brief Mr. Tootoosis is talking about, he refers to religious organizations and he calls attention to the same section as the one I have read. Indians do not want religion in their schools. This is a matter which was headlined recently in the *Star-Phoenix* a Saskatoon paper, and one of the articles in that paper featured this particular point of religion in the schools. I think I should explain, with respect to the member of this organization, that they do not object to Christian teaching being carried on in their schools. You know, you go through the different reports and sometimes the statistics, sometimes the facts, are not as reliable as they should be. For instance, you look at these statistics with respect to the different denominations in the province of Saskatchewan and in that province it says that 8.8%—correct me if I am wrong, because I am just quoting this from memory—are of aboriginal faith; in other words they are not Christians, they are heathen. As far as the Little Pine Indian school is concerned, I spend approximately one hour of each week on religious study; and in that school I have Roman Catholic children and Protestant children and also members who do not belong to any white man's religion. I give that instruction. After all, I think you must agree that Christianity is what they should be taught; at least, that is my firm belief.

So, for that reason, we are now trying to do away with the teaching of religion in our schools. Certain denominational schools may perhaps devote more school time—I am subject to correction at any time, Mr. Chairman—I am quoting this, as I say, I am not quite prepared—but I have argued this out with these gentlemen as they will tell you, and they gave me authorization

to have Christianity taught, that that is quite all right; but religious teaching can be overdone, and consequently other parts of the curriculum which is supposed to be followed are proportionately neglected. Ever since I have been at Little Pine I have tried to follow the curriculum laid down; otherwise, it would leave that much less time for the other subjects.

By Mr. Harkness:

Q. Before you leave that particular point, we had evidence here from other Indian representatives that there were a considerable number of Indians who held to a large extent to their aboriginal beliefs and that what Christian religion they professed was largely for the purpose of obtaining the benefits of denominational schools for their children; and that the Indians who adhere to a large extent to their aboriginal beliefs have no school of their own, and that as a result there is not freedom of religion. Is there anything you have to say in connection with that; is that correct, or do you disagree with it?—A. I would not say yes or no, but I will make this statement; there is so much in the Indian religion that is essentially Christian that you cannot expect people to renounce everything they have been taught from childhood. You know how it is, anything that we are taught by our parents as we are raised is apt to stay with us. Whether fortunately or unfortunately, my father and mother were Christian Indians and I was raised just about as strictly as children in the Presbyterian church and you know what that means.

Mr. CASE: In this brief there is a section relating to the same subject matter; section 30, on social welfare and religious freedom. I think if you were to read that section into the record you would have your reference to religion complete.

The WITNESS: Section 30, oh yes, that deals with social welfare and religious freedom:

D—SOCIAL WELFARE

30. *Social Welfare and religious freedom*

This organization is familiar with, and appreciates the contribution which religious organizations of various denominations have made to the welfare of the Indian people. It must, however, censure the practice of such organizations who make the granting of benefits contingent upon the acceptance of one or another of the white man's faiths. In order that complete religious liberty may be enjoyed by the Indian, and that he may have freedom in the choice of the religion which can best satisfy his conscience, it is recommended that all social work, including educational, relief and other ameliorative work proceed among Indians upon a non-secular basis, and that the Indian be afforded the same freedom of choice in the matter of religion, as white men in Canada.

Mr. REID: Do you mean to say that you must confess some certain faith before you get any benefits; that benefits are contingent upon the acceptance of one or the other of the white men's faiths? I just wonder what you mean by that.

Mr. LICKERS: That may mean this—

Mr. REID: Are there any cases where the Indians have been denied benefits?

Mr. LICKERS: That may mean this. I am only going by my own experience on the reserve, that any church, say a Baptist church, may be assisted by another Baptist church in the city of Brantford. It might take under its wing one of the Baptist churches on the reserve. At Christmas time they send down boxes of clothing and other enjoyments for the children. That is usually done by the members of the Sunday school of that particular church.

Mr. REID: May I ask the witnesses from Saskatchewan? They must have had something in mind when they put that there. They must have had more in mind than an isolated case of a little clothing. This reads:

It must, however, censure the practice of such organizations who make the granting of benefits contingent upon the acceptance of one or another of the white man's faiths.

Is that the practice in Saskatchewan, that the Indian is denied benefits if he does not join this faith or that faith? Is that what that means? I am asking for information. That is a terrible state of affairs if it is so. I think this committee is entitled to know if that is the case. We are here to get information, and I am asking the witnesses. That is an astounding statement.

Mr. CASE: The second sentence reads:

It must, however, censure the practice of such organizations who make the granting of benefits contingent upon the acceptance of one or another of the white man's faiths.

Can you give us an example where that has been a condition of the granting of a consideration or favour?

Mr. MATTHEWS: First of all may I ask what is meant by the granting of benefits? The granting of benefits by whom?

Mr. CASE: These organizations.

Hon Mr. DUPUIS: I do not think it is fair to ask the witness that because he is not responsible for that brief.

The CHAIRMAN: All we are asking is what he knows or any other members of the delegation know.

Mr. REID: I am asking someone who is responsible. This brief is placed before us. This question was raised a few minutes ago. He read it out from this brief, and I am asking who is responsible for that statement?

The CHAIRMAN: What page is that on?

Mr. REID: Section 30.

The CHAIRMAN: "It is recommended that all social work, including educational, relief and other ameliorative work proceed among Indians upon a non-secular basis, and that the Indian be afforded the same freedom of choice in the matter of religion, as white men in Canada."

Mr. CASE: That is a part of it. The sentence under debate is the second sentence.

The CHAIRMAN: "It must, however, censure the practice of such organizations"—to what organizations does that refer?

Mr. CASE: The organizations referred to in the first sentence.

Mr. REID: The way I look at it—and shall I say I am speaking as a Presbyterian—there can be no Christian charity in that if any religious organization denies benefits to a man when he and his family need them. No wonder the Indians look askance at us and wonder what we are trying to bring them to. I should like clarification of it. I think that if that kind of thing is going on this committee should know it.

Mr. GAMBLER: I will make an attempt to answer that. You will have noticed in the minutes of the meeting that were submitted to the committee there were several men there to draft the brief. If we fail to answer any questions to your satisfaction we can only say that we regret the other men are not here. There were several men who were there to draft the brief.

Mr. REID: Could we have the explanation later? That is a fair enough answer. I am not demanding it right now but could we have an explanation?

The CHAIRMAN: What we are trying to get is information, and if you can help us with any information on that point, it would be appreciated.

The WITNESS: This might help to answer that particular section. As you know there are residential schools sponsored by different religious faiths. For example, there is the Presbyterian church, Anglican church, Roman Catholic church. I am speaking from my own experience because anything I say I can back up. I hope the people back home do not think that their pastor went to Ottawa to talk about himself. After I went through public school and went through entrance it was the Anglican church that took an interest in me and, of course, being an Anglican I was put in the Anglican institution. Does that answer your question? For example, if there was a Presbyterian boy who was going to make good, or whom the Presbyterian church hoped would make good, naturally the Presbyterian church would take an interest in that man, would they not?

Mr. CASE: I think you are citing an example where it would be reasonable for them to take that position. I want to know if anyone is denied hospitalization.

The WITNESS: I do not know anything about that.

Mr. REID: If I may pursue it further if you read the balance of that paragraph you will see that it goes a little deeper because it says:

In order that complete religious liberty may be enjoyed by the Indian, and that he may have freedom in the choice of the religion which can best satisfy his conscience, it is recommended that all social work, including educational, relief and other ameliorative work proceed among Indians upon a non-secular basis.

There you have social work, educational work, relief, etc., following the statement made that they have been denied by certain church organizations. I may be wrong but that is the way I read that part, and I would ask that tomorrow we be given a fuller statement.

Mr. CASTLEDEN: Reading the last sentence it says:

It is recommended that all social work, including educational, relief and other ameliorative work proceed among Indians upon a non-secular basis.

For instance, if there is a denominational residential school in that section that is the school to which the Indian goes. If he does not go to that school he does not receive that education.

Mr. CHARLTON: Has an Anglican child, for instance, on a reserve been refused permission to go to a Presbyterian school or has a Roman Catholic child been refused permission to go to an Anglican school? Is that what they are trying to say?

Mr. DREAYER: I can remember one case in particular which happened to my brother who was a veteran of the first great war. On his reserve we have a Presbyterian mission. At the time that he sent his children to school there was no Presbyterian school close to our reserve so he sent his children to the Anglican school at Onion Lake, Sask. Later on he decided he would have them moved to the United Church school at File Hills. He got in touch with the agent, the inspector and everybody concerned, the principals of both schools, and could not do anything to have them transferred to a school that would be better for his children. I do not remember the year, but Duncan Scott, who was an official of the Department of Indian Affairs, was passing through our reserve. My brother had an opportunity to speak to him and he brought this particular subject up. Duncan Scott wrote out a note to him and gave him authority to move his children from Onion Lake Indian school to the

File Hills residential school. They were there probably about three months. Then he got word that his children had to be taken right back to the Anglican school because they had been confirmed in the meantime in that particular faith.

There is another matter I should like to draw to your attention while I am on my feet. That is the fact, as Mr. Spence pointed out, that there are many Indians who do not profess to belong to any of the white man's religions. They have their pagan beliefs. Whenever any of these people want to place their children in an Indian school the first thing they are asked is, "What denomination?". I should like to ask this question. Is there a school anywhere in Canada where Indian children of pagan religion can be taken in?

The CHAIRMAN: I do not think there is. The reason for that is that apparently the residential schools are maintained by religious denominations who obtain contributions from members of that particular denomination for the building and the upkeep of the school.

Mr. FARQUAR: I think the Act clears up that question and puts it very clearly. It says:

10 (2) Such school shall be the nearest available school of the kind required, and no Protestant child shall be assigned to a Roman Catholic school or a school conducted under Roman Catholic auspices, and no Roman Catholic child shall be assigned to a Protestant school or a school conducted under Protestant auspices.

Hon. Mr. DUPUIS: That does not take in pagans. It does not take in those who profess the Indian religion.

Mr. HARKNESS: As Teddy Yellowfly said when he was here the Indian had to profess some form of Christian religion in order to get his children educated, and that was one of the things to which he was objecting. He maintained that destroyed the Indian's freedom of religion because he had to adopt the Roman Catholic church, Anglican church, Presbyterian church or United church in order to get his children educated.

Mr. REID: I do read that very thing in the Act as Mr. Farquhar points out, but all it mentions are two religions, Protestant and Roman Catholic. We have had a case drawn to our attention now where amongst the Protestant churches there was objection raised because the children went from one denomination to the other. I think this committee would be well advised to look further into the matter. If the Indians are being denied the right to relief, education and being looked after unless they join a certain church I say it is not right.

Mr. DREAYER: I should like to say a few more words. When these Indians who do not belong to your religions want to put their children in a school as I said the first question they are asked is, "What denomination?". Therefore, we have people on the reserves today who are marked down as belonging to different faiths, white man's faiths, and yet when the Indians hold their tribal ceremonial dances those same Indians are taking part in the ceremonial dances.

Hon. Mr. HORNER: You want to receive a non-sectarian education and also choose your own religion. That is your idea?

Mr. DREAYER: That is my idea. One of our Indians at the meeting held in Saskatoon pointed out although he belonged to the Roman Catholic faith he had friends and relatives on many different reserves in that territory whose children were being taught in schools run by different denominations. He said that when those children come out of school they do not mix well. He said, "Why should that be? Why can we not have a school where our children would be brought up together so that there would not be any feeling between the various churches on the reserve?" and so on.

Hon. Mr. DUPUIS: Do you belong to any Christian religion yourself?

Mr. DREAYER: I do not know what standing I have in the church, but I am supposed to be a Presbyterian.

Hon. Mr. DUPUIS: May I ask a question to clarify the situation a little bit. May I know from someone the number of Christians and the number of pagans in our Indian bands?

The CHAIRMAN: Taking Saskatchewan, which we have here, there are 4,800 odd Anglicans. There are about 1,500 United church, about 163 Presbyterians, about 7,000 Roman Catholics, about 42 other Christians, and about 716 aboriginals in Saskatchewan. That is according to the 1941 census.

Hon. Mr. McKEEN: I should like to ask a question. They say this should all be done on a non-secular basis. Do they mean by that that the church organizations should not be allowed to do any social service work on these reserves or amongst the Indians?

Mr. DREAYER: No, sir, we think that they should continue that wherever the Indians want it. They have a right to freedom of religion like anybody else.

Hon. Mr. McKEEN: You do not say you do not want them to do it?

Mr. DREAYER: We are not saying that.

Hon. Mr. DUPUIS: As I understand you you do not want it in the schools.

Mr. DREAYER: Not in the classroom.

Hon. Mr. McKEEN: I think the phrase "ameliorative work" includes more than schools.

Hon. Mr. DUPUIS: You have no objection to missionaries of any Christian denomination going to your bands and teaching the Christian religion to you or your children?

Mr. DREAYER: No objection whatever.

Mr. CASE: You want it more like the public school system?

Mr. DREAYER: We maintain what is good for the white man in the line of education should be good for the Indian.

Mr. CASE: I presume these gentlemen know that in our school system we recognize Christian religion whether it is Roman Catholic or Protestant. We do not teach paganism. I mention that because he said, "What is good for the white man is good for the Indian."

Hon. Mr. DUPUIS: I suppose he means freedom of religion.

Mr. BRYCE: Worship God any way you like.

Mr. CASE: May I go on now to—

Mr. TOOTOOSIS: May I say a few words? In my travels amongst bands in my part of Saskatchewan . . .

Hon. Mr. DUPUIS: What is your name?

Mr. TOOTOOSIS: John Tootoosis.

Hon. Mr. DUPUIS: You are in Saskatchewan?

Mr. TOOTOOSIS: President of the Union.

Mr. CASTLEDEN: What is your faith?

Mr. TOOTOOSIS: I am a Roman Catholic. In my experience trying to organize the people in every band I go to I insist on having a meeting with them, and in each band where there are two denominations and one school they have an awful time to get together. There is a difference there because they are brought up in different schools. It seems like the preachers and the Catholic priests are pulling me this way and that way. They make us fight. That is the chief difficulty in getting co-operation amongst the Indians. With proper co-operation you will get better living conditions because they will co-operate in every scheme they want to take up. If there are three religions in one reserve there are three divisions.

Mr. CASTLEDEN: You think then if their education was made non-denominational that it would tend to create greater unity amongst the Indians?

Mr. TOOTOOSIS: Yes, because the children will be brought up together. I was brought up in a boarding school. Every time I meet my school mates they are just like my brothers even right today.

Hon. Mr. HORNER: I agree with you. It would make for greater unity with the rest of us, too.

Hon. Mr. DUPUIS: Was the school where you went a Catholic school?

Mr. TOOTOOSIS: Yes.

Hon. Mr. DUPUIS: Do I understand you object to the Christian religion being taught in the schools?

Mr. TOOTOOSIS: No. I have no objection to them coming on the reserve and teaching their religion, but it is in the school.

Hon. Mr. DUPUIS: In the school you have an objection?

Mr. TOOTOOSIS: Yes.

Mr. CASE: May I turn now to section 14. It reads:

This commission should investigate the adequacy of school accommodation for Indian children. The Indians of this organization assert that about 1,000 Indian children in this province are without schooling at present.

Is that a statement of fact?

The CHAIRMAN: From where are you reading?

Mr. CASE: Section 14.

The WITNESS: Shall I start with section 13?

Mr. CASE: All right.

The CHAIRMAN: Would you like to read that into the record?

The WITNESS: Yes.

13. *Commission to study the needs of Indian education*

A commission should be set up immediately to study the needs of the Indian Educational system. This commission should include as members: people experienced in Indian education and familiar with conditions upon the reserves; people trained in modern methods of psychology, educational theory and practices, and finally people who can adapt these newer types of instruction and techniques to the special abilities and needs of Indian students. Furthermore, the members of this commission should possess the confidence of the Indians and have a complete understanding of their attitudes and psychology.

This commission should investigate the adequacy of school accommodation for Indian children.

The Indians of this organization assert that about one thousand Indian children in this province are without schooling at present. This is due partly to the aversion of Indian parents to send their children long distances from home but chiefly to the fact that there is insufficient school accommodation. Most schools are overcrowded and operating above capacity. If treaty promises are to be respected, it is imperative that additions be made to many of the existing schools without delay.

This commission should be empowered to visit any or all reserves, recommend changes in curricula so that a curriculum in line with modern standards and adaptable to the needs of all sections of the country may be established.

The elementary curriculum should be on as high a standard as those in non-Indian public schools, but should be modified to include Indian lore, customs, handicraft, vocational training and cultural activities. The language, tradition and culture of the Indian must not be denied free expression, but rather must be developed to the fullest extent so that Canada's first people might be able to contribute to the culture of the nation on a much larger scale than has been possible in the past.

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As far as the question you asked about the number of children without schooling I can only speak for Little Pine reserve. Little Pine is well looked after. The school there is accommodating all the children who are of school age. Incidentally while I am on my feet I should like to correct a statement that Mr. Max Campbell, M.P., made when he was a witness before this committee. I think he made the statement there was a day school at Little Pine, Poundmaker, Moosomin and Red Pheasant reserves. There is no day school at Poundmaker reserve and there is no day school at Moosomin reserve. I think that is correct.

By Mr. Case:

Q. Do you believe there are 1,000 children of school age who are at the present time not receiving any schooling?—A. I think that is quite right. When you consider all of the children up in the north country I think that statement is correct because after all just because they are in northern Saskatchewan does not say they should not be included in some school district.

Mr. HOEY: Our records, according to the superintendent of welfare and training, show that there are 909 children without educational facilities.

Mr. MATTHEWS: I was going to suggest it would be in order for you to make an observation along that line.

Mr. HOEY: Thank you.

Mr. CASE: That brings me to a very important point I did not know about before. Under section 34 in the third paragraph you say:

Family allowance benefits have been extended to the Indians only partially. For nine years of his life the Indian child receives no benefits because he is presumably in the residential school, and so on.

The CHAIRMAN: What page?

Mr. CASE: Section 34. He says that all children are presumably in the residential school.

The WITNESS:

Family allowance benefits have been extended to the Indians only partially. For nine years of his life the Indian child receives no benefits because he is presumably in the residential school. However, on many reserves some children cannot go to school because of inadequate school accommodation and in practice these children are still ineligible. The family allowance benefits must be administered more efficiently and consideration must be given to such local factors if unfair discrimination is to be removed.

The only thing that I know about family allowances in my experience as an Indian school teacher...

By The Chairman:

Q. Are you married, by the way?—A. Yes.

Q. Have you a family?—A. I have two children.

Q. Do you get the family allowance?—A. Yes, sir.

Mr. CASE: You say up to nine years of age they do not get the allowance

The WITNESS: I was going to say, Mr. Chairman, to continue with family allowances; as far as the Indian department is concerned I am required by the Indian department to send a report every month whether a child has been ill for 20 days, or whatever it was that particular month. And if he is absent I put down the number of days of absence for the month, and I have to do that every month. The only suggestion I would like to make regarding family allowances, it is a point of privilege with me, but I think it would not be out of order to ask a question. Mr. Jones is administrator of family allowances and I wish to ask this question, if I may. May I ask a question of the Indian department officials here?

The CHAIRMAN: Sure, go ahead.

The WITNESS: Do you ever give any consideration to the fact that some of these Indians on the reserve find it very hard to keep their children in school—I am referring to them as people because after all they are people—some of these chaps who have children at school have to go out and work on the farms, and there are times when they are not economically secure enough to make arrangements for their children to stay in town at an Indian house. At the present time the regulations state that the Indian child cannot absent himself from the day school more than five days a teaching month. I would like to ask a question and I would like the Indian department to give it consideration. I have asked it of my agent, Mr. Bell, and he forwarded it to the Indian department; and he tells me that if they want to go and work they have to see that their children can go to school just the same; but in nine cases out of ten when a man goes to work, sometimes he will be out threshing for a couple of months in the fall—he has not got the financial means to make arrangements for his child or children to board at an Indian house and he takes the children along, tent and all.

The CHAIRMAN: What is the question you wanted to ask, Mr. Spence?

The WITNESS: I was wondering this, if it is still against the rules and regulations of the Indian department that that child should, if he does not attend school, lose the family allowance as well.

The CHAIRMAN: What you want to know is, do the rules and regulations provide for the family of that child receiving family allowance under such circumstances; is that right?

The WITNESS: Yes.

The CHAIRMAN: Mr. Hoey, could you tell us about that?

Mr. HOEY: We have had a very few complaints about the administration of family allowances. I think I should say to the committee that we have a particularly good official in charge of family allowances. He is in deep sympathy with the Indians and their aspirations. Now, Mr. Spence, if you studied the Indian Act—I would like for you to turn to section 10, paragraph (5); and you will read:

5. No parent or other person shall be liable to such penalties if such child

- (a) is unable to attend school by reason of sickness or other unavoidable cause;
- (b) has passed the entrance examination for high schools; or
- (c) has been excused in writing by the Indian agent or teacher—

You have the right yourself.

“—for temporary absence to assist in husbandry or urgent and necessary household duties.

You, yourself, are not living up to section 5 if it would impose a hardship particularly on an Indian whose economic conditions compel him to put his child to work now the family allowances are always paid when no educational facilities are available without exception. Then parliament has—I think I can say this to the committee seeing that nobody is here but ourselves—because parliament itself has passed a bill; parliament, these men here, said to us that you cannot pay the allowance to a child domiciled in an institution; so that when the child enters an institution the officials carrying out the will of parliament are compelled to suspend the payment of the allowance until he returns from holidays when payment is again resumed.

Mr. REID: Is it not true that the family allowance itself is given to the parents to help have the child educated? If he goes to an institution that is quite a different thing because there the parent is freed from responsibility for the care of the child and also the state is contributing to the upkeep of the child in the school. That applies to white children as well as to Indians.

Mr. HOEY: Yes.

The WITNESS: I would like to follow up that question, if I may. Mr. Hoey, you say that I should give permission in writing?

Mr. HOEY: I did not say that, the Act says that.

The WITNESS: Well, the Act says that; and if it is quite in order for me then to give permission in writing if I am satisfied that these children should be away from school, if I am satisfied that the Indian needs to work?

Mr. HOEY: The Act says so. In actual practice, Mr. Spence, if I were in your position, and to avoid being imposed upon, it is a matter that should be discussed either with the farming instructor or with the Indian agent, both of whom may be more familiar with the economic condition of their particular families than you are.

The WITNESS: I have done that, and the answer given me was no.

Mr. HOEY: You show them the Act.

Mr. LICKERS: What you are wanting then is this; I suggest that you follow that up and see what you are asked for, that is as to qualifying for family allowance, does that not come within the scope of subsection (5) of section 10 of the Indian Act so far as Indians are concerned.

The WITNESS: I haven't got the Act here.

Mr. LICKERS: And it says:

No parent or other person shall be liable to such penalties if such child

- (a) is unable to attend school by reason of sickness or other unavoidable cause;
- (b) has passed the entrance examination for high schools—

And so on and so forth; you want that to apply to children eligible for family allowances?

The WITNESS: "Other unavoidable cause"; in this case it is unavoidable for the man to go out threshing for a couple of months, and I want to make arrangements for these children to continue receiving the family allowance under those conditions.

Mr. LICKERS: That is what I am saying. What you want then is this provision in the Family Allowance Act.

The WITNESS: Yes.

The CHAIRMAN: Could you shed any light on that, Mr. Ostrander?

Mr. OSTRANDER: I think perhaps there has been some misunderstanding. I did not know that this would be coming before the committee. I did not know that such cases had arisen on the Little Current reserve or it would have been cleared up before this. I have heard of no difficulties there. As Mr. Hoey has pointed out, the rules are very clear. Certainly where any Indian finds it necessary to go further than two and a half or three and a half miles from school to earn his living, naturally his children are not compelled to be in school and that does not deprive them of the family allowance.

Mr. CASTLEDEN: Did you say that you tried to grant permission to some students to be absent from school, in writing?

The WITNESS: No, I did not. I asked verbally of Mr. Bell.

The CHAIRMAN: Who is Mr. Bell?

The WITNESS: He is the Indian agent at the Battleford agency and he often drops around to my school. I never know when he is coming. That is what he said. I have asked him verbally if he would say when the children were not in school because the parents were away working—could the Indian take his children with him without losing his family allowance. He says they will have to make some arrangement for the children to go to school and board.

Hon. Mr. DUPUIS: Do I understand that the teacher has the right to grant exemption so that he can be allowed to have the family allowance?

The CHAIRMAN: No.

Mr. HOEY: There might be a misunderstanding there. When this law was passed there was no family allowance. This applies to husbandry or working on the farm. I do not know the Family Allowance Act. I would have to study it. I do not know that it would permit us to do what we are doing here in the case of children working. Have you any cases like that, Mr. Ostrander?

Mr. OSTRANDER: Only this, sir, and Mr. Chairman; that the agent in the final analysis is the one who recommends payment of family allowances and he has the right to continue allowances in cases where hardship would result. If it is an economic necessity for the family to move away from where school facilities are available to a point where none are available the Indian can continue to receive family allowances.

Mr. JONES: May I say something, Mr. Chairman?

The CHAIRMAN: Yes.

Mr. JONES: I have seen that identical paragraph twice, Mr. Chairman; once in the brief submitted by the Alberta Indian Association and again in this submission. I have read it over several times and it puzzles me. I do not know the meaning of it. We have made it clear from the very start that where school facilities are not available the family allowance is paid. For that reason I am at a loss to understand that particular paragraph in the brief.

The CHAIRMAN: But where facilities are available and the family does not have to be away because of economic reasons and the child is absent from school the family allowance is cut off.

Mr. JONES: The inference there is, sir, as I read it—I may be wrong—that where children are going to a residential school and because the school is over-

vided they are in theory cut out of the allowance; but if there is not sufficient accommodation at the residential schools to take in all the pupils the pupils who cannot get in are not deprived of the family allowance.

Mr. CHARLTON: It refers to accommodation, it does not state the type of school; it says "school accommodation"; it says if there is inadequate school accommodation—it does not matter whether it is a day school or a residential school.

Mr. JONES: Except in the province of Alberta where they are all residential schools, with the exception of one small day school. That is what appeared in the Alberta brief, and it is not in keeping with our instructions in that regard.

Mr. CASE: It is hardly fair then to say that the teachers may grant the privilege of being absent to assist in husbandry and for other reasons as well and continue to draw family allowances?

Mr. JONES: That would rest with the agent, but if the teacher in making his monthly report, to which Rev. Mr. Spence referred, recommends extenuating circumstances, it is up to the agent to investigate, and it is his privilege under the Family Allowance Act to continue family allowances for that family where they have to move away for economic reasons, in cases of economic necessity.

The CHAIRMAN: What was your question again, Mr. Case?

Mr. CASE: It is also his privilege to refuse them that benefit?

Hon. Mr. DUPUIS: How could he do that?

Mr. CASE: The Colonel says it is; he can also say, I won't allow it.

Mr. JONES: If there is any question, Mr. Chairman, the agent considers the commendation.

Mr. HARKNESS: In other words, the agent can override the teacher.

Mr. JONES: That was the point because the agent is in charge of the reserve.

Hon. Mr. DUPUIS: Can the teacher appeal from the decision of the agent in the Indian Affairs branch here?

Mr. JONES: Certainly.

Mr. CASE: In the case of the Rev. Mr. Spence he claims that it was hard on the children because the father could not leave the children alone while he is going away to work on the farm. After he appealed to the Indian Affairs branch what was his situation if the agent refused?

Mr. JONES: In any case I would refer the matter to Mr. Ostrander as inspector and ask his opinion on it.

Hon. Mr. DUPUIS: Anyway, there is an appeal for the teacher to the Indian Affairs branch.

The CHAIRMAN: Now, Rev. Mr. Spence, do you know of any child of nine years of age who does not enjoy school facilities and who is not getting the family allowance?

The WITNESS: At the present, I do not.

The CHAIRMAN: Do any of the others know of any such cases? Do any of you other gentlemen know of such cases?

Chief John GAMBLER: I have my own child who is twelve years old and is not attending school and does not enjoy any family allowance.

The CHAIRMAN: Is there any school near there?

Chief GAMBLER: Yes, there is one school of my faith which is the only one I can put her in. She is a girl.

(Discussion continued off the record.)

The CHAIRMAN: Shall we call it six o'clock, gentlemen?

Hon. Mr. DUPUIS: Before we adjourn I would like to refer to the previous question and ask Chief Tootosis or Chief Gambler who was in charge of the school to which he referred?

Chief TOOTOOSIS: That would be Father Bouchard.

Mr. DUPUIS: Did you speak to Father Bouchard about this matter of getting your girl into the school?

Chief TOOTOOSIS: I did not wish to invite an argument.

Hon. Mr. DUPUIS: You do not agree with it?

Chief TOOTOOSIS: No, I do not. I am in favour of boys and girls being in the day school for this reason, if you will pardon me, because the Indian department spend considerable money in trying to put the Indians on their feet and on trying to bring them up. Here is the point. The Indian child in the boarding school is brought up, he is put in a room there and he does not have any contact with the outside world. When he is through the door is opened and he walks out into the outside world about which he knows nothing. It is different at the public schools. I have my boys in the public school and I find that they are much more obedient and show a greater respect to their parents; in other words the discipline is better in the day schools. When the children come back from the residential schools I have an awful time with them compared to those I keep at home. The children whom I have not kept at home, who are at these residential schools, have no respect or regard for their parents at all. I know that for a fact. There are many many parents who will bear me out in that statement.

Mr. CASTLEDEN: Do you think that that is general in Saskatchewan?

Chief TOOTOOSIS: Yes, not only in Saskatchewan, but all over.

Mr. LICKERS: It is not only Saskatchewan, it applies to other provinces as well.

Chief TOOTOOSIS: The day schools are more desirable because they bring up the children better I believe where you have day schools your children get better discipline and they are better able to carry on afterwards. The boarding schools is really a handicap, you are making farmers out of them. It is just a waste of money to have them brought up that way.

Hon. Mr. DUPUIS: Then a lot of white people are backward because a good many white people send their children to boarding schools.

Chief TOOTOOSIS: I am referring to Indian people.

Mr. CHARLTON: I take it from what you say then that your opinion is that the discipline in residential schools is not good?

Chief TOOTOOSIS: No. It may be all right while they are in school, but after they come out they don't have that.

By Mr. Castleden:

Q. On page 15 of your brief you say, "no child can develop as he should without the care and affection of family life." Do you believe that applies particularly to the Indian child?—A. Yes.

Q. Are you of the opinion that special educational facilities should be given to the Indian child due to the fact that he is an Indian, different home environment and he has to make his living in a society with which he is not familiar? Do you think for that reason there should be more training given to the Indian child than to the white child?—A. Yes.

Mr. CHARLTON: Are we to continue this questioning to-morrow, Mr. Chairman?

The CHAIRMAN: I presume so, if it is your pleasure. We will meet to-morrow morning at eleven o'clock.

The committee adjourned at 6 p.m. to meet again the following day, May 9, 1947, at 11 a.m.

APPENDIX ES

SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS APPOINTED TO EXAMINE AND CONSIDER THE INDIAN ACT

SUBMISSION OF THE UNION OF SASKATCHEWAN INDIANS

MAY 8, 1947.

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INTRODUCTION

To the Joint Committee of the Senate and the House of Commons appointed to examine and consider The Indian Act:

The Union of Saskatchewan Indians expresses its appreciation to the Senate and the House of Commons for their interest in Indian affairs as evidenced in the appointment of a Joint Committee to examine and consider The Indian Act, and to hear representations from the Indian nations of Canada, of which this brief forms a part. The Union hopes that the deliberations of the Committee will result in changes which will remove the serious handicaps under which the Indian people now live. It hopes that the conclusions of the Committee will be marked by a spirit of humanity, and that much-needed revisions to The Indian Act, and to its administration will place human values and human welfare above monetary considerations and expediency of administration.

We pray that the Committee will hearken to the words of our delegation to Ottawa. Its members are outstanding persons of the Province of Saskatchewan and truly represent all aspects of Indian life in the province. Mr. John B. Tootosis is President of the Union of Saskatchewan Indians; Chief Joseph Dreaver is a veteran of two wars, and was president of The Saskatchewan Indian Association before that organization united with the Union; Chief John Gambler is vice-president of the Union, and president of The Protective Association for Indians and their Treaties, which also has united with the Union; and Rev. Ahab Spence is a minister of the Anglican Church and a teacher at the Little Pines Indian Reserve.

The Union takes this opportunity to indicate that it is the only organization which purports to represent all of the Indians of Saskatchewan. Prior to its creation in February of 1946 there existed other small organizations, but at that time, all agreed to unite behind a single Indian movement which then became known as The Union of Saskatchewan Indians. It is a union of all Indian people whose policy is independently created and whose affairs are administered by Indians in the interests of Indians. We wish to make it clear at the outset, that we are not a white man's organization, nor are we dominated by any white men, as has been suggested by some. Our representations make it clear that we are not interested in saving the face of any white man or any group of white men; we speak clearly and bluntly, and our thoughts and aims are the thoughts and aims of the great majority of Indian people in Saskatchewan.

While the Union is an all-Indian organization, it has received assistance from many friends who, while not being members of the Indian nations, have given of their thought, time, and effort in the interests of our people. The names of those who have assisted us are too numerous to mention, and they include Mr. J. P. B. Ostrander, Inspector of the Indian Affairs Branch in Saskatchewan who attended several meetings of the Union, Indian Agents on our Reserves, and representatives of the religious organizations in the province. The Union expresses its appreciation to Honourable T. C. Douglas, Premier of Saskatchewan, who made our organization possible, to Dr. M. C. Shumiatcher, our legal adviser, who has worked in close co-operation with us, and to Mr. G. H. Castleden, M.P., a member of the Committee, whose friendly interest has been of great value to Indians of the province.

This brief is submitted in a spirit of co-operation and friendliness, with confidence that it will be sympathetically considered, with the feeling that its recommendations are feasible, and with the hope that its proposals will be implemented before the conditions of the Indian people deteriorate further.

THE UNION OF SASKATCHEWAN INDIANS.

I—RIGHTS UNDER THE INDIAN TREATIES

A. GENERAL

1. *Reinstatement of Treaty Rights necessary*

This Organization submits that a reinstatement of the status of the Indians in Western Canada under the Treaties affecting them is urgently required in order that matters pertaining to education, health services, self-government, compulsory military service, liability of the Indians to taxation and matters relating to other fields may generally be clarified and re-enunciated to the satisfaction of all concerned.

Assurance that all the rights granted to the Indians under their Treaties will be guaranteed to them for all time is necessary, since there exists a growing feeling amongst Indians today that treaty obligations are not being discharged *bona fide* by the Government of Canada and that the rights of Indians are being curtailed in matters relating to their physical and spiritual development and relating also to their rights over property and with respect to self-government.

The members of this Organization derive their rights from five principal Treaties which are as follows:—

North West Angle Treaty, No. 3,

Qu'Appelle Treaty, No. 4,

Carlton Treaty, No. 6,

Black Feet Treaty, No. 7,

Treaty No. 8.

Attached to this submission is a text of these Treaties together with the conversations that preceded their conclusion. The conversations are of extreme importance in interpreting the Treaties and establishing Indian rights. The Treaties should not be legalistically interpreted for they were concluded by the representatives of groups who were not only themselves unequal but who represented widely divided cultures, attitudes and understandings. Furthermore, the Indian Treaties should be read not separately, but together in order that the general policy of the Government of the day may be ascertained, and the understanding of the Indians throughout Western Canada, of the purport and object of the Treaties may be perceived. They all form a part of the pattern of the process of civilization and the westward march of the white man. His relations with Indian bands cannot be isolated or viewed in a vacuum. The picture is a single one, and the rights of Indians generally must be determined according to the general conditions and attitudes obtaining during the latter part of the nineteenth century.

2. *Purpose of Treaties to promote progress*

Lieutenant-Governor Morris, in negotiating with the Indians at Fort Carlton stated as follows:—

I see the Queen's Councillors taking the Indians by the hand saying we are brothers, we will lift you up, we will teach you, if you will learn, the cunning of the white man. All along that road I see Indians gathering, I see gardens growing and houses building; I see them receiving money from the Queen's Commissioners to purchase clothing for their children; at the same time I see them enjoying their hunting and fishing as before, I see them retaining their own mode of living with the Queen's gift, in addition.

(Morris, "*The Treaties of Canada*", p. 231.)

Thus as early as 1833, in Canada the Crown applied the concept of Brotherhood of Man to the Indians living among the whites. The Indian was to be elevated from the status of a serf and was to be educated so that he might be able to compete on equal terms with the white man.

3. Fulfilment of Treaties promised

Lieutenant-Governor Morris states, in his book in Chapter XII as follows:—

I remark in the first place that the provisions of these Treaties must be carried out with the utmost good faith and the nicest exactness. The Indians of Canada have... an abiding confidence in the Government of the Queen, or the Great Mother, as they style her. This must not, at all hazards, be shaken.

(*Morris, "The Treaties of Canada", p. 285.*)

His parting statement upon conclusion of the Treaties was as follows:—

Let us have a wise and paternal Government faithfully carrying out the provisions of our Treaties, and doing its utmost to help and elevate the Indian population who have been cast upon our care, and we will have peace, progress, and concord among them in the North-West; and instead of the Indian melting away, as one of them in older Canada, tersely put it, "as snow before the sun", we will see our Indian population, loyal subjects of the Crown, happy, prosperous and self-sustaining, and Canada will be enabled to feel, that in a truly patriotic spirit, our country has done its duty by the red man of the North-West and thereby to herself.

(*Morris, "The Treaties of Canada", pp. 296-297.*)

It was then clearly the objective of the Indian Treaties to promote progress among the Indians and make them self-sustaining, loyal citizens of the Crown and, to these ends, to faithfully administer the treaties.

4. Right to expect redress of grievances assured

Lieutenant-Governor Morris, in the course of negotiating the North-West Angle Treaty, said:—

The ear of the Queen's Government will always be open to hear the complaints of her Indian people, and she will deal with her servants that do not do their duty in a proper manner.

(*Morris, "The Treaties of Canada", p. 72.*)

The right to be heard by the highest authorities and the right to expect the redress of grievances by those authorities were conditions upon which the Indian Treaties were signed. These are rights which this Organization asserts on behalf of the Indians of Canada to-day and, which it is submitted, the Government of Canada is duty-bound to honour.

5. Treaty rights are inviolate; changes without consultation should not be made

The rights given by Treaties stand inviolate and above all other relationships between the Crown and the Indian people. Although their precedence over any other enactment was understood between the parties when the Treaties were signed, legislation passed by the Parliament of Canada without the concurrence of the Indians has, in practice, taken precedence. The Indian Act was passed without consulting the representatives of the Indian people of Canada and, in some cases, Treaty rights have been abrogated. The Indian people object to any enactment by legislation having the effect of decreasing their Treaty rights and have explicitly set out in Part II of this submission the changes necessary in the Indian Act if all the Treaty rights are to be reinstated

and the spirit of Treaty negotiations maintained. Furthermore, the Indian people believe that any change in legislation affecting their status, directly or indirectly, should be made only after proper representation of their interests.

B—STATUS OF INDIAN CHIEFS AND COUNCILLORS

6. *Affirmation of Indian loyalty to the Crown*

The Indians submitting this brief wish to re-affirm their loyalty to the British Crown and to re-assert their duty to obey and abide by the law between themselves and other tribes of Indians and between themselves and other of His Majesty's subjects, whether Indians or white persons now inhabiting or hereafter to inhabit any part of Canada. They affirm their covenants not to molest the personal property of any inhabitant of Canada or the property of His Majesty the King or to interfere with, or trouble, any person passing or crossing through the country or any part thereof, and they further affirm their covenants that they will aid and assist the officers of His Majesty and bring to justice any Indian offending against the stipulations of the Treaty or infringing upon the laws of the country.

7. *Indian Agents have in many cases acted arbitrarily*

The Indians realize that the Treaty rights granted them by the Queen cannot be administered directly by the Crown, but that the duties and obligations of the Crown must be discharged through officers or agents on its behalf. However, the Indians are of opinion that the agents appointed for these purposes have acted, in many cases, arbitrarily and without indicating the degree of responsibility which should be placed upon any one administering policy for the Government of the Crown. There, therefore, exists the necessity of changing the status and the attitudes of Indian Agents and it is felt that this should be done in two ways; first, by permitting a larger measure of self-government by the Indians themselves and, secondly through a change in the status and purpose of the Indian Agent.

8. *During Treaty negotiations, Indian Chiefs and Councillors were recognized as capable of handling the affairs of the tribes*

It is significant that at the time the Treaties were concluded the white man representing the Crown treated the representatives of the Indians, their Chiefs and Councillors, as capable of dealing with their own affairs to the extent of surrendering their rights to large tracts of land, and also to the extent of accepting certain benefits which have been granted under the treaties. However, it appears that once the Treaties were concluded the attitude of the white man toward the Indian Chiefs and Councillors was radically changed and they no longer were regarded as capable of dealing with their own affairs or of meeting with representatives of the Crown for the settlement of differences which might exist between them.

9. *Indian Chiefs and Councillors should be able to revert to the status they enjoyed at the signing of the Treaties*

Such undemocratic attitudes should not be permitted to continue, and the Indian Chiefs and Councillors should be able to revert to the status which they enjoyed at the time of signing of the Treaties.

10. *Larger remuneration should be paid to Chiefs and Councillors to encourage efficient performance of duties*

In order that Indian Chiefs and Councillors may be able to perform their duties in a wholehearted and efficient manner, this Organization submits that an increase in remuneration be provided them.

The Indian Treaties provide that each Chief recognized as such, shall receive an annual salary of twenty-five dollars per annum and that "each subordinate officer, not exceeding three for each band, shall receive fifteen dollars per annum" and also, that each Chief and subordinate officer should also receive "once in every three years, a suitable suit of clothing" and that each chief shall receive in recognition of the closing of the Treaty, a "suitable flag and medal". This remuneration is not sufficient when the nature of the duties—as outlined in the Indian Act—is fully comprehended. On many reserves, the duties of a conscientious Chief and those of the Councillors interfere seriously with the work on their farms, traplines and nets. Performance of such duties frequently brings criticism from members of the band, and often considerable resentment is expressed against such persons.

Furthermore, the above remuneration is wholly inadequate if the Indians are to be given every opportunity to govern themselves and direct their own affairs in a responsible manner. Persons occupying similar positions of responsibility in other spheres of activity are generally paid a salary greatly in excess of these amounts.

The original role of chiefs and councillors was recognized and was satisfactory to all. But this type of administration has lost much of its meaning and respect, and in order that it may be revived, having regard to the needs of modern society, it is the desire of this organization that chiefs and councillors receive remuneration which more closely corresponds with their duties and responsibilities. It is therefore recommended that chiefs be paid at the rate of \$1,000.00 per annum, and that councillors be paid at the rate of \$500.00 per annum. These sums should be paid, not out of band funds, but by the government itself, as a part of its obligation to the Indian people.

11. *A changed status for the Indian Agent*

This Organization also submits that there should be a change in the status and purpose of the Indian Agent. His role should be that of assisting and encouraging the Indian to govern his own affairs rather than that of personally directing those affairs without due regard to the will of the Indians.

Those persons chosen to act in behalf of the Crown should have certain minimum qualifications. These should be:—

- (a) A broad understanding of and sympathy towards Indians and Indian problems.
- (b) A thorough knowledge of statutes and regulations relating to Indians in order that he may advise them upon their rights.
- (c) A good technical knowledge of the functions on a reserve such as farming, trade, education, social welfare and the conditions necessary to fulfil them.
- (d) Amenability to advice and anxious to solicit advice from the Indians with whom and for whom he must work.
- (e) Ability and initiative to act upon recommendations put forth in a democratic manner.

In the past, the Indian Agent has often regarded himself or has been regarded by the Indian as an autocrat or tyrant—the owner and ruler of the reserve. The Indian Act has, to a large extent, fostered this spirit by endowing him with unnecessarily wide powers and opportunities for arbitrary rule. To limit his powers and set up a series of checks and balances which will assure Indians of reasonable and benevolent assistance from the Indian Agent, specific amendments are recommended in Part II of this submission which relate to the Indian Act. But—and of even more importance—it is here recommended that the general attitude of administrators towards the Indian be altered, in order that it be made to coincide with the present-day concepts of free expression and democratic action.

C. EDUCATION

12. *The Government promised education as a treaty right*

This Organization realizes the urgent need for a progressive program of education and technical training among Indians, for only by fitting themselves to discharge the responsibilities of modern civilization can they hope to take their place in society to-day. Under the treaties, the Crown promised to provide schools for Indians. Lieutenant-Governor Alexander Morris, stated:—

The treaties provide for the establishment of schools, on the reserves, for the instruction of Indian children. This is a very important feature, and is deserving of being pressed with utmost energy. The new generation can be trained in the habits and ways of civilized life—prepared to encounter the difficulties with which they will be surrounded, by the influx of settlers, and fitted for maintaining themselves as tillers of the soil.

(Morris, "*The Treaties of Canada*", p. 292.)

The Indians submit that the present facilities for education on the reserves are largely based on the needs existing in the 1880's and do not adequately provide for the training of the Indians "in the habits and ways of civilized life" to-day. They therefore request certain changes in the educational services at present rendered the treaty Indian, and suggest how educational services can be adjusted so that they better serve the needs of the Indian children of to-day and to-morrow.

13. *Commission to study the needs of Indian education*

A Commission should be set up immediately to study the needs of the Indian Educational system. This Commission should include as members: people experienced in Indian education and familiar with conditions upon the reserves; people trained in modern methods of psychology, educational theory and practices, and finally people who can adapt these newer types of instruction and techniques to the special abilities and needs of Indian students. Furthermore, the members of this Commission should possess the confidence of the Indians and have a complete understanding of their attitudes and psychology.

14. *The Commission should investigate the adequacy of accommodation and establish a proper curriculum*

This Commission should investigate the adequacy of school accommodation for Indian children.

The Indians of this Organization assert that about one thousand Indian children in this province are without schooling at present. This is due partly to the aversion of Indian parents to send their children long distances from home but chiefly to the fact that there is insufficient school accommodation. Most schools are overcrowded and operating above capacity. If treaty promises are to be respected, it is imperative that additions be made to many of the existing schools without delay.

This Commission should be empowered to visit any or all reserves, recommend changes in curricula so that a curriculum in line with modern standards and adaptable to the needs of all sections of the country may be established.

The elementary curriculum should be on as high a standard as those in non-Indian public schools, but should be modified to include Indian lore, customs, handicraft, vocational training and cultural activities. The language, tradition and culture of the Indian must not be denied free expression, but rather must be developed to the fullest extent so that Canada's first people might be able to contribute to the culture of the nation on a much larger scale than has been possible in the past.

5. *Religious instruction should not be the principal object*

Education should be upon a high and impartial basis, with academic learning as its principal object rather than religious instruction. This Organization is of opinion that religious instruction for Indians should be upon a basis as voluntary as it is at present for other groups, in order that the Indians may be permitted to choose according to their conscience, the religion which they desire to embrace. Though parochial schools have contributed much to the education of Indians, the time has now come when it is necessary to separate education from religion, in order that the fullest time and energy may be devoted to the former, and in order that the principle of freedom of religion and of conscience, may become meaningful for the Indian. Abolition of parochial schools is therefore recommended, and public schools interdenominational in character should replace the existing institutions.

6. *Establishment of Day Schools*

Though this Organization fully recognizes and appreciates the value and service of the residential school, it submits that the educational needs of many reserves to-day can best be served by the establishment of day schools in proximity to the children's homes.

The use of day schools as a substitute for residential schools on many reserves is recommended for the following reasons:—

- (1) Education is a threefold responsibility—school, church and home. Day schools can best serve this principle.

The day school can concentrate on the proper function of the school—academic or vocational training. Instead, at present, language difficulties and the half-time work system deprive children of approximately three years of their allotted school time—from seven to sixteen years of age. Evidence of this unfortunate condition can be verified by the figures on school attendance issued by the Department of Mines and Resources, Indian Affairs Branch.

To speak about Indian advancement under such conditions is sheer mockery. The present system encourages educational delinquency, retarded development, and an aversion to education. Practically speaking, it develops a class of people who are unable to be anything more than hewers of wood and drawers of water in the land of their forefathers.

- (2) No child can develop as he should, without the care and affection of family life. The restrictions, discipline, exclusive use of English, etc. in the Residential Schools are now recognized as having a harmful effect on immature minds and bodies.

It is the belief of this Organization that this hiatus in family ties and parental training is at least partially the cause of post-school delinquency. Regardless of how kind and sympathetic, the staff of a residential school may be, such a staff cannot replace the average parent.

Where unsuitable home conditions exist, Indian children should be removed from their parents just as white children are, when they are found to be neglected.

Indian parents have an invaluable regard for the companionship of their children and the association of children living at home while attending school is also an invaluable asset towards adult education and the subsequent improvement in home conditions.

17. *Residential schools should be continued on certain reserves*

Valuable services have been rendered by the residential schools on large reserves and on reserves which cannot support an educational program for its population. Upon large reserves, the residential school has been a centre, not only of educational, but of religious life. Upon reserves of little economic value, or of undeveloped resources, the school has enabled Indian children to receive the only education possible, for schools cannot follow the trap-lines of the fishing camps. In areas where residential schools are desired by the Indians themselves, they should be retained, but the schools must be properly equipped, adequately financed and efficiently staffed to provide the highest possible type of education.

18. *Part-time labour requirements should be abolished*

The part-time labour requirements for students in residential schools should be abolished and the amount of time devoted to such work should be spent on essential studies, physical exercise and organized games.

19. *A semi-residential school should be established in certain areas*

In areas where geographic factors make the day school impossible and where the Indians do not desire a residential school, semi-residential schools should be established. The children in such schools would be permitted to spend week-ends and school holidays of short duration e.g., Christmas and Easter vacations, with their parents contingent upon the co-operation of the parents in returning their children at the close of these holidays. Here again an urgent appeal is made for proper and up-to-date equipment and efficient staffs.

19A. *School Trustees*

This organization believes that there exists a right and a duty that the Indian people exercise control over the schools attended by their children. This would not only result in renewed interest of Indians in their Educational institutions, bringing children and their parents more closely together, but would accrue to the advantage of the institutions themselves. This is a right that should be accorded all persons in a free and democratic country; control over education is implicit in any concept of freedom. It is therefore submitted that the chief and councillors of each band, or that Indians specifically elected as trustees, act as school trustees with power to inspect and investigate all matters pertaining to education, and to visit schools without notice at reasonable intervals. Section 9, subsection (5) of The Indian Act should be amended accordingly.

20. *A follow-up program is needed for the post-school years*

A program to follow up the school graduate is necessary if the students are to retain and apply the training and skills acquired during years of schooling. The period following school is often the ruination of many a promising Indian boy or girl. Pupils often find themselves returned to reserve life without the opportunity of practising whatever training they have been given. They are at once brought into conflict with the older generation and many pupils simply drop into the older ways and customs as they are unable to fit themselves for life in a modern world. In many cases they cannot farm because they cannot obtain equipment for modern farming. They have not the facilities for home-making that they have been taught to use, and they must do the most menial jobs if they are to earn a living.

1. *A trained welfare worker is needed on every reserve*

A full time trained welfare worker could help guide pupils and ex-pupils to suitable occupations, could help supervise their readjustment to reserve life and could act as a liaison officer between the pupil and the outside world in assisting them to obtain employment. A welfare worker could help to avoid many of the moral disasters that too often befall the young Indian. This organization states that every reserve should have a full time trained welfare worker not attached to the school staff or to the agency.

2. *An economic establishment scheme should be provided for the ex-pupil*

Some scheme of economic establishment should be made available to the graduate. This would vary according to the geographic location of the reserve. Some live stock or fishing and trapping equipment might be made available for the boys; some household goods might be given to the girls. At an Indian school in North Dakota where grazing lands are the chief asset of the reserve, boys are loaned breeding stock while they are still in school. They are trained to care for this stock and pay in services, by caring for the school herd, for feed and pasture. At the end of a reasonable period, they gradually return the breeding stock loaned them. A similar plan should not be impossible in Canada.

3. *Incentive of jobs and positions should be provided*

There is too little incentive for the Indian to train himself for professional or executive positions. In order that education may be carried beyond the schoolhouse and into the arena of action, it is important that the incentive of jobs and positions be coupled with any educational scheme. Teachers, social workers, and industrial instructors should, wherever possible, be recruited from the ranks of Indians themselves. There is also no reason why the professions should not claim Indians among their incumbents, this having proven successful by the American practice. So long as Indians remain wards of the Government, no Indian proving worthy of higher education should be deprived of the means to enable him to qualify for professional or executive positions.

3A.

Indian children attending Indian schools are allocated a per capita grant. There are cases where Indian children are attending outside schools, being financed by their parents. It is submitted that in such cases the Government should support these homes for the same purpose as the Indian schools, and should grant the same allocation to or/in respect of these children.

4. *Additional grants, for higher education*

For those Indian children who may desire higher education as an opportunity to enter some gainful occupation or profession, there should be no barrier. A number of grants are provided by the Indian Affairs Branch for this purpose but these are difficult to obtain and too inadequate to serve their necessary purpose. The chances for the Indian to work himself through college are, needless to say, negligible.

Indians who have been able to obtain higher education have been as successful as the average white man and often more successful, and this organization can point with pride to the amazing record of Indian doctors, lawyers, nurses, teachers, ministers who have absorbed an academic education in the United States of America.

5. *Vocational training should be established on all reserves*

A system of adequate vocational training should be established on all reserves. This should amount to more than a mere perfunctory training in

manual arts. It should be connected with the characteristic industries of the region, whether they be farming, ranching or other occupations. The school should provide a training that will establish ground work for future entrance into skilled trades.

26. *A program of adult education is needed on all reserves*

This Organization recommends that a program of adult education be carried out on all Indian reserves and submits that the following benefits would ensue:

- (a) The Indians could study and equip themselves for the duties and responsibilities of self-government.
- (b) Basic English would assist Indians in their relations with the white and would foster self-confidence.
- (c) The Indians could be equipped to take an active part in their own program of health and educational advancement.
- (d) Leadership would be developed among themselves.
- (e) Opportunities would be provided for social intercourse and discussion with fellow tribesmen.

Selected Indians could help to carry out a program of adult education after preparatory instruction in such subjects as the following:—

—Personal responsibilities in health maintenance, basic English, constructive suggestions on industries and occupations; skilled handicrafts and their market value; duties to families, neighbours and country, revival of tribal history, legends, etc.

27. *Training schools and increased salaries are necessary for teachers*

This organization submits that there is not adequate training schools for Indian teachers and few teachers are trained to handle the problems peculiar to an Indian school. It should be required that an Indian teacher, before being qualified, devote some weeks to a study of Indian history, tradition and temperament. Through his or her understanding and appreciation of their accomplishments, the teacher could largely overcome the widespread Indian tendency to an inferiority complex, re-awaken the feeling of pride and arouse ambition in the Indians to exercise their latest abilities to the utmost. Efficient teachers need encouragement to take up this arduous work and should be compensated by correspondingly higher salaries and pension benefits.

Teachers should hold themselves open to constructive criticism, aid or advice from parents or other persons concerned with the welfare of the children, and education should thus become a matter of co-operation between home and school.

28. *Per capita grant must be increased*

The present per capita grant paid through the Education Branch of the Indian Affairs is and has for some time been entirely inadequate and the burden of financing Indian education has been thrust upon the churches and upon private charities. To compel administrators of Indian reserves to beg charity in order to maintain services that are the responsibility of the Government is degrading in the extreme.

The per capita grant must be increased to meet the modern needs of all day schools and those residential schools which are still desired by the Indians. The appropriate size of this per capita can best be calculated by the Commissioner entrusted to study the adequacy of Indian education facilities on the reserves. At present, the maximum per capita grant is approximately \$187.00 per annum (about 61.4 cents per child per day). It is submitted that this grant must be increased in order to provide the necessary services to students—the most essential being food, clothing and education.

9. *Race prejudice must be defeated*

As a final suggestion of how educational services can be revised to better serve the needs of the Indian people, it is submitted that there be undertaken an active campaign of education through literature and other publicity media to educate white people to an acceptance of, and a respect for the Indian as an individual endowed with abilities, aptitudes—and human rights. Race prejudice must be defeated and the public must be educated in tolerance and understanding.

Canada is a nation of many people. She can only rise to her full strength when all ethnic groups are permitted and encouraged to make their individual contributions to the national pattern. The Indian, with his rich background of native lore, artistry and tradition, has a special contribution to make to Canadian culture. Every encouragement should be given to him in order that he may take his proper place in the building of a truly democratic Canadian society.

D—SOCIAL WELFARE

10. *Social welfare and religious freedom*

This Organization is familiar with, and appreciates the contribution which religious organizations of various denominations have made to the welfare of the Indian people. It must, however, censure the practice of such organizations who make the granting of benefits contingent upon the acceptance of one or another of the white man's faiths. In order that complete religious liberty may be enjoyed by the Indian, and that he may have freedom in the choice of the religion which can best satisfy his conscience, it is recommended that all social work, including educational, relief and other ameliorative work proceed among Indians upon a non-secular basis, and that the Indian be afforded the same freedom of choice in the matter of religion, as white men in Canada.

11. *A program of health education and health services is the responsibility of the Dominion Government*

A program of health education and a promotion of health services is a necessity among Indians as their health has been deleteriously affected by their rough and insecure mode of living in proximity to the white man. Health services and social benefits have been sadly inadequate to cope with their needs. Since Indians are beyond the jurisdiction of any provincial scheme, it is the responsibility of the Dominion of Canada to organize a health program to ameliorate their conditions.

To combat the present high mortality rate among Indians, a vigorous program designed to halt the spread of tuberculosis, trachoma and social diseases is needed. There should be provided hospitalization, adequate nursing services, ambulance service on the larger reserves and pre-natal and infant care to prevent the present high rate of infant mortality.

There should be supervision by trained welfare workers in applying remedial and preventive measures and establishing good health habits on Reserves. Health education should be taught in all schools and emphasis should be placed on the formation of healthy habits.

All existing unsanitary conditions on reserves, including dilapidated houses and other conditions contributory to disease and general ill-health should be immediately removed.

12. *Living conditions and Housing*

A housing program should at once be undertaken to provide accommodation which will be conducive to decent home life and afford proper privacy for the occupants. Adequate water supply and sanitary arrangements should be provided and their utilization supervised by competent authorities.

33. Rations to Aged and Indigent

The present system of supplying rations to the aged and indigent is wholly inadequate; clothing issued—much of it already worn, is not conducive to high morale, and there is great need for Indians to be treated upon an equal basis with other people in Canada. The typical rations at present for Indians in these classes is as follows:—

SCALE OF MONTHLY RATIONS FOR INDIANS ON RELIEF

	1 Adult Lbs.	2 Adults Lbs.	3 Adults Lbs.
Flour (2nd grade)	24	36	49
Rolled Oats	6	9	12
Baking Powder	1	1 $\frac{3}{4}$	1 $\frac{3}{4}$
Tea	1	1 $\frac{1}{2}$	2
Sugar	2	4	5
Lard	3	5	8
Beans	5	5	7
Rice	2	3	5
Cheese	1	1 $\frac{1}{2}$	1 $\frac{1}{2}$
Meat or Fish	\$1.00	\$1.50	\$1.75

	4 Adults Lbs.	5 Adults Lbs.	6 Adults Lbs.
Flour (2nd grade)	61	80	98
Rolled Oats	15	18	18
Baking Powder	2	2	2
Tea	2	2	3
Sugar	7	8	10
Lard	10	10	13
Beans	7	8	8
Rice	5	7	7
Cheese	2	2	3
Meat or Fish	\$2.00	\$2.00	\$2.25

Salt—10 cents or 15 cents per month per family.
Matches—10 cents to 20 cents per month per family.

NOTE.—Indians under the age of 12 years shall be considered children, and over that age as adults.

Issues of rations for each child, of flour, rolled oats, sugar, lard, beans, rice, cheese and meat or fish, shall be one half the quantities specified for one adult.

This schedule of supplies indicates that entirely inadequate provision is being made at present to meet the needs of Indians who, being human beings, have the same hungers, and suffer the same pains from the elements, from illness and old age, as others, and that the need for more humane treatment of aged, ill and indigent Indians is a pressing necessity.

The present ration system should be extended to provide for a decent and adequate standard based on a varied diet, vitamin content and general nutrition value. In addition, old age pensions should be given on the same basis as white men.

34. Social benefits are responsibility of Federal Government

The Indians recommend that the Federal Government finance and extend to them the benefits of Old Age Pensions, aid to the blind, mothers' allowances and all other social benefits that may be provided, from time to time, by legislation, for Canadian citizens.

It is realized that particularly acute cases brought to the attention of the Indian Affairs Branch have received consideration, but such assistance should not be limited to cases of dire need, but should be extended to the Indians on as wide a basis as is extended to non-Indians.

Family Allowance Benefits have been extended to the Indians only partially. For nine years of his life the Indian child receives no benefits because he is presumably, in the residential school. However, on many reserves some children

cannot go to school because of inadequate school accommodation and in practice these children are still ineligible. The Family Allowance Benefits must be administered more efficiently and consideration must be given to such local factors if unfair discrimination is to be removed.

4A. *Aid and Pensions for the Sick*

When an Indian requires hospital treatment, his or her dependents suffer from neglect, and therefore, arrangements should be made by the Department of Health and Welfare (Indian Branch) to make adequate provision for the maintenance of these dependents until the sick person is strong enough to resume gainful activities.

Many Indians undergoing severe operations are, for a considerable period unable to earn money for their own support, or for the support of dependents. Such operations are the removal of ribs in the treatment of tuberculosis. Such Indians should be provided with a reasonable pension for maintenance during the period that they are unable to work.

4B. *Additional Health Services*

It is provided by Treaty Six "that the medicine chest shall be kept at the house of each Indian Agent for the use and benefit of the Indians at the discretion of such Agent." The true interpretation of this provision was set out by Mr. Justice Angers in the Exchequer Court of Canada in a judgment on the Petition of Right case of George Dreaver, Chief, and John Ledoux and William (Sam) Fanel, Councillor, of the Mistawasis Indian Reserve dated April 10, 1935, which does not appear to be reported. There it was stated that this clause should be broadly and liberally interpreted, and that the "medicine chest" referred to in the Treaty should mean all of the necessary medical, dental, and health services which modern medicine makes possible for the maintenance of the health and strength of human beings. For this reason, it is submitted that in order that this clause of the Treaty may be carried out according to its true intent and spirit, all medical, hospital, dental, and public health services should be made available to every treaty Indian by the Dominion Government without any charge whatsoever.

E. BENEFITS TO VETERANS AND OTHER REHABILITATIVE MEASURES

5. *Indian veterans should be accorded the same benefits as other Canadian veterans*

Thousands of Indians volunteered in two world wars, fought and many of them died. Their blood flowed with the blood of their Canadian brothers-in-arms, and it is just and fitting that they should be accorded the same treatment as other Canadian servicemen. This means, in effect, that they should enjoy equal benefits under the provisions of The Veterans' Land Act, and under the law relating to the payment of war services gratuities, the provision of educational and vocational grants, and employment preference, both in private industry and in the Civil Service. In administering these benefits, due consideration and respect should be given to the traditions and practices of the Indian tribes and where it is the custom on an Indian reserve to hold land communally, the requirements that a location ticket be received or that an allotment of land be made before the veteran receives his land grant should be abolished.

Indian veterans desiring to farm lands outside the reserve under the provisions of The Veterans' Land Act should enjoy equal rights with white men without loss of treaty rights.

6. *A comprehensive survey of living conditions on reserves is needed*

A comprehensive survey should be undertaken of all reserves in order to ascertain whether the reserves can maintain the present population and whether

facilities will permit of a reasonable standard of living for the natural increase in population. Such a survey would reveal the state of living conditions on the reserves and could suggest means and methods by which the Indians might better utilize their lands.

37. The study should be followed by developmental projects, wherever feasible

The expenses of such a study would, of necessity, have to be borne by the Indian Affairs Branch. However, if such a study were undertaken and a program of development resulted, this Organization submits that the economies that would follow from the implementation of the program would largely compensate for the expense of the study. If the study finds that there is not sufficient grazing or arable land to sustain the population, then additional land could be made available and thus the pressing relief needs of the increasing Indian population would be alleviated. Many Indians have already proven their ability as farmers and stockmen and with more encouragement and assistance, Indian farms could be enlarged to a more economic size and improved by the use of more advanced techniques.

The effectiveness of such a study and a developmental program will of course largely depend on the skill and character of the instructors in charge; this Organization believes that there are available a number of competent Indians who have successfully operated farms and herds of their own, who would be suitable under such a scheme. Indian supervisors would have the advantage of enjoying the confidence of their fellow tribesmen to a greater degree than any white man. A program should be at once undertaken by the Indian Affairs Branch to help the treaty Indians develop their own lands for themselves and by themselves by supplying adequate machinery to develop their lands. Land required for power dams, power lines, gas lines, canals or oil and gas developments—none of which the treaty Indians themselves can develop on their reserves alone—could be developed upon the conclusion of satisfactory agreements between the Indians and others, in their mutual interests.

38. Establishment and maintenance of roads and ferries

The approaches to some of the Reserves are not worthy of the name of "trails". Improvement of the roads is a prerequisite to the implementation of much of the health and education program. It should be the responsibility of the Indian Reserves Branch to establish and maintain a proper system of roads and ferries wherever needed. Every reserve should be accessible to ambulance service and necessary motor traffic and it is vitally essential that market roads at least should be maintained. This is a necessity not only to the Indians but to the general public, and the cost of same could best be met by the government, supporting all interests.

39. Indians should be granted preference in trapping and fishing

Trapping and fishing form an important part of the occupation of Indians in this Organization and steps should be taken to see that their rights in this form of livelihood are adequately safeguarded. The encroachment of white hunters and trappers who render it impossible for Indians in many areas to make a reasonable living must be prohibited and Indian trappers and fishermen should be granted preference over white trappers, since it is generally much easier for a white man to make his living at other occupations.

The Indians are, from early environment and training, often very highly skilled trappers and fishermen and are well qualified for positions as salaried game wardens and fish guardians and this Organization submits that they should be given every chance for appointments in these positions throughout the province.

9. *Fur conservation projects should be extended and Indians encouraged to participate in co-operative fur farms*

Beaver, muskrat and other fur conservation projects are to be greatly recommended and should be extended. Wild animal trapping is on the decline and Indians so employed should be gradually led to participate in co-operatively-owned fur farms, raising scientifically whatever the market demands. Individuals should also be assisted in this manner.

10A. *Agreements for Game Wardens*

The Federal Government, in accordance with the expressed statements of policy by the Crown Commissioners at the time of the negotiations prior to the signing of Treaties 6 and 7, with regard to Indian "Vocations and Avocations", should now enter into agreements with the government of the Provinces with a view to employing Treaty Indian Game and Fish Wardens to protect big game and fish from depletion by hunters in and out of the regular hunting seasons. These Indian wardens should be regularly employed at salaries equivalent to those of white men in similar positions; they should always be accompanied by a white man for reasons of safety. In any event a Game Protective League should be formed by the Indian Affairs Branch through the Federal Government together with the Provincial Governments on behalf of the Indians. This should be based upon co-operation between representatives of the Treaty Indians and of the Provincial Forestry, Game and Fur, and Fish Branches to prevent depletion of the game, fur and fish by unscrupulous hunters hunting out of season and in season.

10B. *Fishing Preference*

In view of the depletion of the fish in those adjoining reserves in which commercial fishing is permitted, the Treaty Indians should be given preferential quotas during the fishing season, and care should be taken through co-operation between Federal and Provincial authorities to prevent depletion to a point at which the Indians can no longer secure even food.

Trap Lines

Steps be taken to secure for Treaty Indians additional trap lines where they desire such lines. This is especially necessary in the reserves of the Saddle Lake Agency, and Hobbema Agency in Alberta.

10C. *Section 69 of The Indian Act: Hunting*

By this section, the Superintendent-General (Minister) may, with the consent of the Governor-in-Council, apply part or all of the Game Acts to the Indians of Alberta, Saskatchewan, Manitoba or the North-West Territories.

The right to hunt was granted Indians under the Articles of Capitulation, 1760, the Treaty of Paris 1763, the Treaties of 1876 and 1877, and this was later recognized in 1890 when an attempt to enforce Game Ordinances against Indians was brought up, the Minister of Justice disallowed it. Again, in a case in the Alberta Court of Appeal, *Rex vs. Wesley* (1932) 2 W.W.R., the judges found that game ordinances did not apply to Treaty Indians while hunting for food as distinguished from game.

The members of this Association feel that, in view of the promises made to the Indians and the way the courts have treated the matter of the right of Indians to hunt for food, section 69(a) is unnecessary and unjust.

At present, when big game and hunting associations are bringing pressure to bear on officials and the provincial legislature of Alberta, and other governing

bodies to stop Indians hunting for food so that they will not reduce the amount of game for the hunting season, the members of the Association would feel safer if this section were omitted from the proposed revised Act.

The amount of game on the reserves is decreasing every year and the members feel that the small amount they use for food would have little effect on the decrease of game for hunting for sport by the whites.

Although the Indian Affairs Branch has always been most fair about this matter, the presence of this section, accompanied by the agitation of the Fish and Game Societies, results in the Indians being worried and upset about the matter. As the removal of the section referred to would in no way greatly affect the working of the Act or actually change its present operation, the Indians would feel safer if this section were entirely omitted and, instead, a new section be written assuring the Indians that the game laws or any laws respecting game will not apply to Indians hunting food on their reservations or on unoccupied Crown Land.

40D. *Subsidies for fish under Agricultural Prices Support Act*

The fishing industry in northern Saskatchewan, upon which a large number of Indians are dependent for their living, is subject to wide fluctuations in price depending upon the state of national and international markets. Because of this tendency toward fluctuation, this organization is of the opinion that steps should be taken to stabilize the price of fish and fish products under the provisions of the Agricultural Prices Support Act, 1944-1945 Can., cap. 29, in the interests of the Indian people. In this manner, an assured income would go to the residents of the northlands, without which, relief and other assistance will become necessary.

40E. *Benefits under the Prairie Farm Assistance Act*

As important in the field of agriculture as the Agricultural Prices Support Act is, reference should be made to another Dominion statute, The Prairie Farm Assistance Act, 1939 Can., cap. 50, as from time to time amended, the provisions of which have never been applied to Indians as individuals. This organization recommends that Indians should be brought within all of the terms and provisions of this Act in order that they may not be destitute as a result of a crop failure, hail, frost or loss through insects and other causes beyond their control.

PART II

RECOMMENDATIONS RESPECTING THE INDIAN ACT, R.S.C. 1827 Chapter 98, as amended.

41. *Wide powers of Governor-in-Council and Superintendent-General*

The first and most obvious criticism of the Indian Act derives from the extremely wide powers which are thereby invested in the Governor-General in Council, and more particularly in the Superintendent-General. Although Part I of The Indian Act purports to be of wide and general application, section 3 endows the Governor-in-Council with power to:—

“Exempt from the operations of this Part... Indians or non-treaty Indians, or any of them, or any band or irregular band of them, or the reserves or special reserves, or Indian lands or any portion of them...”

Thus, upon mere proclamation, the efficacy of Part I of the Act may be abrogated, and the statutory legislative intent set at naught.

It is submitted that since this clause leaves the way clear for arbitrary judgments by the Governor-in-Council, it should be repealed. The matter of

exempting Indians from the rights provided by the Act should, in line with democratic procedure, be a matter not for any one man to decide but one on which only the Courts should rule.

Qualified legal counsel to act in the behalf of the Indians should be provided by the Crown in such matters and a thorough and fair hearing should be extended to them.

Section 18 of the Indian Act provides that "the Superintendent General (Minister) may, from time to time, upon the report of an officer or other persons specifically appointed by him to make an inquiry, determine who is or who is not a member of any band of Indians entitled to share in the property and annuities of the band.

Sub-section 2 provides that the decision of the Superintendent General (Minister) in any such matter shall be final and conclusive, subject to an appeal to the Governor-in-Council.

Under this section, the Superintendent and the Governor-in-Council are given sole jurisdiction to determine who is and who is not an Indian and who may or who may not benefit from the treaties and other rights enjoyed by Indians. The Indians of this Organization object to this method of determining who may come under the Treaties. Because of the fact that when the Treaties were signed, the white man was content to leave it entirely to the discretion of the Indian Chiefs and their Councillors to determine who were to enjoy the Treaty rights, they feel that this section cannot be construed as anything but an abrogation of certain Treaty rights. It is necessary that these matters should be determined by the Indians themselves according to the customs and traditions of Indian bands. It is therefore, submitted that section 18 of the Indian Act should be repealed and there should be substituted therefor, a provision whereby the determination of the Indian band as to the membership of any person in such band who is entitled to share in the property and annuities of the band should be within the sole jurisdiction of the Indian band itself to determine according to democratic principles. In this regard, reference should particularly be made to Order in Council Nos. 1172 and 1182 and also the case of *Regina v Howson*. 1 Territory Law Reports 492, and also to the report of a recent inquiry of The Honourable Mr. Justice W. A. MacDonald in the Lesser Slave Lake area.

Furthermore, this Organization submits that there should be immediately undertaken an investigation of all persons and their families expelled from Treaty rights under Section 18, with the object of restoring them to Band Rolls and complete treaty privileges if the Indian Band so deems it proper and just.

42. *The position of Superintendent-General is especially anomalous*

The position of Superintendent-General is an especially anomalous one, in that the Act purports to require him to act as agent for the Crown, and also as representative of the Indians. It is true that theoretically, Indians are wards of the Crown, and as such, enjoy the benefits and advantages which the Crown may afford and extend to them through its agents. To this extent, the Superintendent General, as agent of the Crown, may be deemed to be in a position in which he is able to extend such benefits. But there are cases in which a *cestui que trust*, i.e., the person to benefit from the existence of the trust (in the position of which the Indians may be deemed to be) are entitled to advice and services apart altogether from those extended to it by a trustee (in this case, the Crown). One of the principal difficulties appears to have arisen in Indian Affairs because the same person has sought to act and represent the interests of both the Crown and the Indians (the trustee and the *cestui que trust*). The result has been that the Superintendent-General, who has been placed in this

inconsistent position, has found it impossible to advance the interests of both parties at the same time. He has, therefore, leaned heavily in favour of the Crown, it being the stronger, more vocal and the more affluent to the two parties.

43. Indians should exercise their vote freely in matters of Indian concern.

The precedent of permitting Indians to exercise their vote freely and universally, in determining the question of release or surrender of a reservation is established by Section 51 of the Indian Act. This is a precedent which, it is submitted, should be extended to include many other fields of endeavor and matters of Indian concern, and should replace the arbitrary methods of determining questions by the Superintendent without recourse to further appeal. Under Section 32 and also under Section 52 of the Indian Act, the Exchequer Court of Canada is given the right to order the recovery of lands, and also to determine finally those facts relating to the removal of Indians from a reserve. There appears no reason why provisions of this nature ought not to replace legislation endowing the Superintendent-General or the local agent with wide and unrestrained powers.

44. Chiefs and Councillors should be chosen in any way that Indians see fit

Although at the time of the treaties, the Crown regarded the Indian Chiefs and Councillors, elected according to customary Indian practices, as having complete power and jurisdiction over Indian Affairs for all purposes for which the Crown had to deal with Indians, the Indian Act has changed their status or has at least purported to do so. At the time that the Indian Treaties were signed, the representatives of the Crown met the Chief and Councillors selected by the Indians according to their own method of choice, and according to their own customs and tradition. Furthermore, in negotiating the treaties with the Indians of the Plains, Lieutenant Governor Morris expressly promised that Indians would have the right to determine their own way of life without compulsion from without. The Indians today feel that they should still be able to choose their Chiefs and Councillors in any way that they see fit, by election for a term of years or otherwise, as they may desire. Therefore, they object to provisions in the Indian Act which stipulate a method whereby Chiefs are to be elected, and also which provide by section 96, that the Governor in Council has power to determine when it is advisable for the government of a band, to introduce the elective system of Chiefs and Councillors or head men. These are matters which should be left to the discretion and determination of a majority of the band and dealt with according to the customs of the band. Such representatives, whether Chiefs or Councillors, as the band may determine, should have the power to deal with the affairs of the band, and should not be required, for the purpose of altering or changing the system of choice, to obtain the permission of the Governor in Council or Indian agents. The Indians of this Organization are of opinion that one of the principal reasons for the failure of Indians to govern themselves successfully has been the interference which has consistently been present, by Indian Agents and other representatives of the Department of Indian Affairs. Only by permitting Indians the opportunity of directing their own affairs according to their best judgment and according to the custom of the band, can they develop those systems of free and democratic local government which are so desirable throughout this country. This may involve a measure of trial and error, but this is inevitable under any system of free government.

45. All Indians should be permitted to elect a council

This Organization strongly recommends that every opportunity be given to Indians to learn and practise the essence and principles of democratic self-government. This should be carried on according to Indian customs on the

reserves by persons chosen by the freely expressed will of the Indians in every band and all Indians that so desire should be permitted to elect the Council which will have the powers referred to in Section 185, Part II of the Indian Act. It cannot be emphasized too strongly that the granting of such right should not depend upon the direction of the Governor in Council. Indians should be permitted to elect the Council whenever they themselves feel that they desire to have representative government. (This would remain a matter entirely separate and apart from the principle of enfranchisement which is not endorsed by the Indians of this Organization and which is discussed later in the brief.)

The Indians must be permitted to govern themselves and direct their own affairs if Indian advancement is to be promoted on the reserve within the scope and application of the treaties.

46. Indians should be trained to administer and enforce the regulations of their councils

Enforcement of orders of the Council proceeds under Section 185, subsection (4) of the Indian Act, as in the case of summary conviction offences under the Criminal Code of Canada. It is probably inevitable that enforcement should be by justices of the peace and magistrates of non-Indian origin for a time, but it is submitted that in thickly settled areas of Indian population, an endeavour should be made to prepare and train Indians for the administration of justice, in so far as such administration and enforcement relate to rules, regulations and orders regularly promulgated by the Indian Councils provided for under Part II of the Indian Act. In this development there will follow an increased awareness by Indians of the law itself, and an increased respect for the law, as well as a more sympathetic application of the rules and regulations of the Councils, by men who themselves are Indians.

47. Indian councils must have some autonomy and division of powers is necessary

In order that the Indian councils acquire significance, there must be a measure of real autonomy over certain subject matters assigned to Indian councils for control.

As the Indian Act stands now, wide powers are invested in the Superintendent General to set up schools and to make regulations therefor, in virtue of section 9 of the Act, and although under Part II of the Indian Act, a council normally has the power to make such regulations governing schools, subsection (2) of section 95 resolves any conflict in regulation between the Council and the Superintendent General in favour of the Superintendent, and there, thus appears little efficacy in the powers which are stated to be vested in the local councils. If matters over which Indian Councils legislate can also be dealt with by the Superintendent, and if any rules which the Superintendent General may make take precedence in every case over the Council's legislation, there can be expected to exist no stable foundation for councils, or self-government which the councils are intended to foster.

It is submitted that instead of asserting this general paramountcy of governmental regulation, there be a definite distribution of powers. Under this distribution, certain matters should be reserved exclusively for the control and legislative enactment of the band, and other matters should be reserved exclusively for the legislative enactment of the Governor in Council and/or the Superintendent General. Then, there should be accorded the bands, complete and supreme power to enact rules and regulations touching those matters over which it has sovereign control, and in those matters reserved to the bands, there should be no interference or legislative enactment by the Governor in Council and/or the Superintendent General. In this way, there will be developed that independence and self-reliance which are so necessary to the assertion of the community will, and to the generation of strong personal traits among the individuals of the community or band.

48. *Crown should furnish suitable legal counsel to the Indians*

If resort to the Exchequer Court of Canada, or to any other Court is at any time necessary to determine the rights of Indians as related to the rights of other groups or persons, or to the Government, this Organization, believing that Indians are at a decided disadvantage without funds and without legal counsel, recommends that the Crown furnish Indians and Indian organizations, being parties to the proceedings or intervening therein, with suitable legal counsel to present their cases, in the best possible light.

49. *Summary of recommendations re councils*

It is therefore recommended (a) that the Councils provided for in Part II of the Indian Act be strengthened and broadened in appointment and powers; and (b) that there be appointed counsel to such councils, being appointees of the Crown, but being charged solely with the duties of advancing the autonomy and independence and interests of Indians, and that their duties in no way impinge upon or relate to those of the Crown, either in its relationship to Indians, or in the relationship of Indians to other elements of the population.

50. *Band membership is a matter for the band*

This Organization submits that the determination of members of the band and its Chiefs and Councillors should be a matter for the band to decide and one in which only the band should rule. Furthermore, the consent of the majority of the band should be required before any inclusion or exclusion takes effect.

Section 12 of The Indian Act purports to exclude from membership in a band (and hence from the benefits accruing to such individual) "any illegitimate child . . . unless he has, with the consent of the band whereof the father or mother of such child is a member, shared in the distribution moneys of such band for a period exceeding two years . . .", and even in such cases, the Superintendent General has power to exclude such illegitimate child from a band. Upon broad social and humanitarian grounds, there can exist no basis whatever, for a provision such as is contained in this section.

Section 13 of The Indian Act, prohibits Indians from claiming the benefits of the band if they have been absent for a period of five years continuously in a foreign country and without the consent in writing of the Superintendent General. This constitutes an unwarranted interference with the general laws of domicile according to the English common law, and is an inordinately stringent regulation governing the right to claim the benefits of the band. It would appear more appropriate that the general laws of domicile be made to apply here, and that so long as an Indian possessed the *animus* or intention to return to his band, his rights therein ought to be preserved intact pending his return or an unequivocal decision to absent himself permanently.

50A. *Government's duty in the case of illegitimate children*

It is submitted that any illegitimate child of a treaty Indian woman should be the responsibility of the Indian Affairs Branch to support, whether the putative father of such child be a treaty Indian, a non-treaty Indian or any other man. The Indian Affairs Branch should, in addition, assume all responsibility for taking legal action against the putative father in accordance with the laws of the province, in order that, in proper cases, support may be secured for such child. Membership in the band of such children should, however, be determined by the band itself according to its own laws and practices.

51. *Expenditures of trust funds without consent*

Section 93 of The Indian Act relates to the expenditure of moneys held in trust by the Crown for Indian bands, and subsection (1) thereof, provides that

the Government in Canada may, with the consent of the band, authorize or direct certain expenditures. Subsection (2) of this section provides, however, that expenditures of such money may be made by the Superintendent General even in cases in which a band refuses to consent to such expenditure, provided the Superintendent is of opinion that it is in the interest and welfare of the band so to do. The effect of these two sections is that, even in cases in which the band requests that an expenditure be made, the Superintendent is free to ignore the request, and refuse to make the expenditure in question. On the other hand, however, even if the band definitely refuses to consent to an expenditure, the Superintendent is free to ignore the band's desires, and may proceed to spend the money in question. A most unjust situation therefore, results from the application of the terms of this section, and this Organization strongly recommends the repeal thereof, and the enactment of provisions to the effect that the desires of a band, expressed upon a free vote in favour thereof by a majority of the members of the band, shall be carried out by the Superintendent. Without such provision, Indians must remain the servile instruments of a bureaucracy which is required to take no cognizance whatsoever of the wishes, the hopes, the desires or the demands of the group of persons whose funds and very lives it controls, with responsibility to no one.

52. Band should be empowered to recommend expenditures out of Indian Trust Funds

The Association recommends that recognized bands be endowed with power to recommend expenditures out of Indian funds held by the Government of Canada in trust, and that all such recommendations be regarded as the unequivocal and conclusive wish of the Indians concerned, and be acted upon by the Department of Indian Affairs accordingly, in order that responsibility may be placed upon Chiefs and headsmen, and with responsibility may come greater stability and confidence in the relationship between Indians and the Government.

53. Accounting of all returns on capital investment should be rendered to Band

Periodic statements of the condition of trust funds should be made to the chief of each recognized band, in order that the Indians thereof may become conversant with the state of their finances, and may take such action as may seem just and reasonable in view thereof. In addition, any member of the Board so requesting must be furnished with a statement. Furthermore, all returns on capital investments should be paid annually to the Indians and their children, and an accounting rendered at the time of such payment. Failure to do so breeds suspicion and distrust, with the result that it is generally believed to-day that, in many cases, the proper payment on capital investments is not, and has not been paid to the members of bands to whom such moneys are owing.

54. Lands rightfully theirs have been expropriated

Under the treaties, Indians are entitled to the lands designated as reserves and pre-emptions for all time in consideration of the great concessions granted by the Indians to the white man.

These rights have not always been respected since under the power of the Indian Act, Indians have been removed from their reserves and their lands have been expropriated and occupied.

Under the Indian Act as it stands and is administered to-day, wide powers are granted to the Superintendent of Indian Affairs to remove Indians from their reserves, to expropriate and occupy reserves under a variety of circumstances contrary to the provisions of the treaties and contrary to the express wishes of the Indians concerned. This Organization affirms the inviolable rights

of Indians to their lands and recommends that henceforth the safekeeping of these lands must be regarded by the Government of Canada as a sacred trust, the duties of which cannot be detracted from by statute or by practice, and that the rights attaching thereto, demand complete and absolute fulfilment.

The Indians of Western Canada regard the practice whereby the Department of Indian Affairs directs building and uses land belonging to the Indians on the reserve for the purpose of administering Indian Affairs, as a further encroachment by the white man upon the reserves. While the Indians recognized the necessity of an Indian Agent being upon the reserve, any use which he or other agents or servants of the Crown may make of Indian lands should be duly paid for by the Department of Indian Affairs. Otherwise, such use can be regarded as nothing but an encroachment upon the rights of Indians to the exclusive use and enjoyment of their lands on their reserves. Therefore, it is recommended that compensation be paid to Indian bands for use by the Department of Indian Affairs of such lands.

Section 34 of the Indian Act provides that no person or Indian other than an Indian of the band shall without the authority of the Superintendent General, reside or hunt, occupy or use any land or marsh, or reside upon or occupy any road, or allowance for roads, running through any reserve belonging to or occupied by such band. The inviolability of Indian lands is recognized by this section, but the Superintendent is given the power to exempt persons from its operation. The Indians can regard this as nothing but a violation of their right to the sole use and enjoyment of Indian lands. The Superintendent-General therefore, should not be given the power to permit persons to use Indian lands or hunt upon them or otherwise encroach upon them. It is necessary that if any one come upon those lands, such person should first be approved by the band and not by the Superintendent who simply acts as servant for the bands for purposes of using such lands.

Subsection 2 of section 34 provides that all deeds, leases, contracts, agreements or instruments made or entered into by any Indian purporting to permit persons other than Indians of the band to reside or hunt upon such reserve or to occupy or use such land shall be void. This Organization agrees that no individual should be permitted to alienate Indian lands. But, if the band council at its duly authorized meetings permits such person or enters into such agreements, those agreements should be valid ones and should not be regarded as void.

55. No leases without consent

Subsection (3) of Section 93 empowers the Superintendent General to lease any part of reserve lands, if he is of opinion that the individual Indian requires to cultivate it, neglects to do so. The question of an Indian's neglect is one resolved entirely by the Indian Agent or the Superintendent, and there is no right to impeach that decision. Upon reaching such decision, the lands alleged to be uncultivated may be leased without the consent of any of the persons concerned, including the band occupying the particular reserve. The Organization strongly disapproves this method of dealing with portions of reserve land, and recommends that henceforth that no leases whatsoever of reserve land shall be entered into without the consent of the band itself, and thereafter, only according to the terms agreed to by the band.

56. No use of Indian land without consent

The Organization recommends further, that no use whatsoever of Indian lands, whether under lease or otherwise, shall be made without the consent first received, from the band concerned. Farm instructors at present operate government machinery on reserves for instructional and experimental purposes, and

land is cultivated by such instructors. To this, the Organization raises no objection. However, some instructors at present cultivate land for their own private use on the reserves, and bring their own equipment and machinery thereon. The Organization recommends that farm instructors confine their efforts to instruction alone. No servant or agent of the Crown should henceforth operate on a reserve, any farm equipment, except for demonstrative purposes, nor should they use or consume any products of the land belonging to the band, except such as they may produce from the land and require for their own personal needs, and for those of their families.

57. No employment of persons without consent

Section 94A of the Indian Act empowers the Superintendent General to employ such persons on farms of Indian reserves, as to him may seem proper and desirable. To this practice, the Association raises the serious objection that frequently, a band will find it impossible to co-operate with unsuitable instructors and agents or persons chosen and appointed by the Government. The employment of assistants on the farms and in the reserves should be a matter determined in co-operation with the Indians affected, and this Organization recommends that in all cases, the matter of personnel on reserves be referred to the band for approval, and, if the band disapproves of the hiring of any particular person, such person shall not be appointed to a post in the reserve in question. Common sense, reason and fundamental justice demand that in matters of appointments, the Indians concerned should be heard, and their wishes respected.

58. Expropriation in or near town or city is a denial of treaty rights

Section 52 of the Indian Act provides that:—

In the case of an Indian reserve which adjoins or is situated wholly or partly within an incorporated town or city having a population of not less than eight thousand, and which reserve has not been released or surrendered by the Indians, the Governor in Council may, upon the recommendation of the Superintendent General (Minister), refer to the judge of the Exchequer Court of Canada for inquiry and report the question as to whether it is expedient, having regard to the interest of the public and the Indians of the band for whose use the reserve is held, that the Indians should be removed from the reserve or any part of it.

This, and the provisions associated with this subsection have the effect of denying the Indians the rights unequivocally granted to them by the Treaties with the Crown, and more particularly of Clause 1 of the Qu'Appelle Treaty (and corresponding provisions of other treaties) whereby it was covenanted and agreed as follows:—

And Her Majesty the Queen hereby agrees, through the said Commissioners, to assign reserves for said Indians, such reserves to be selected by officers of Her Majesty's Government of the Dominion of Canada appointed for that purpose, after conference with each band of Indians, and to be of sufficient area to allow one square mile for each family of five, or in that proportion for larger and smaller families. Provided, however, that it be understood that if, at the time of the selection of any reserves as aforesaid, there are any settlers within the bounds of the lands reserved for any band, Her Majesty retains the right to deal with such settlers as she shall deem just, so as not to diminish the extent of lands allotted to the Indians; and provided further that the aforesaid reserves of land, or any part thereof, or any interest or right therein, or appurtenant thereto, may be sold, leased or otherwise disposed of by the said Government for the use and benefit of the said Indians,

with the consent of the Indians entitled thereto first hand and obtained; but in no wise shall the said Indians, or any of them, be entitled to sell or otherwise alienate any of the lands allotted to them as reserves.

A provision of the nature contained in Section 52 of the Indian Act is contrary to the letter and the spirit of the Treaties under which the Indians agreed to surrender their rights. This Organization, therefore, strongly protests the practices of the Government of Canada under the provisions of this section, and recommends that Section 52 of the Indian Act be repealed.

59. *Soldier settlement expropriation also violates Treaty rights*

Similar in nature, are the provisions of Section 188 of the Indian Act, which empower the Superintendent General to acquire Indian reserve lands for purposes of the settlement of soldiers under the Soldier Settlement Act, without the consent of the band in possession of such lands. This section is in direct contradiction of Section 51 of the Indian Act, which purports to require the consent of the band to any surrender of reserve lands, and is in contravention of the terms of Article 1 of the Qu'Appelle Treaty, referred to above. It is therefore recommended by this Organization that this and other sections of the Indian Act, which have the effect of ignoring the wishes and sensibilities of an Indian band in expropriation proceedings, be repealed, and that a new attitude be infused in the provisions dealing with Indian property; one which regards as inviolate, the rights of the Crown's oldest *cestuis que trustent*.

60. *Illegal possession*

Section 35 relates to the removal of trespassers illegally in possession of lands, and subsection (4) thereof states that any such person illegally possessed of land may be required "orally or in writing" to determine his illegal possession. It is realized that the provision was inserted because of the illiteracy of certain Indians. Nevertheless, because of the serious consequences which follow a continued illegal possession, and because of the abuses which may so readily arise, it is submitted that the "or" should be altered to read "and", and that in every case, whether the Indian concerned is literate or not, the requirements be made orally, and in addition, a written order be handed to the Indian concerned.

61. *Agreement between the Indian Bands and the Government should be sought*

The Organization is of the opinion that in cases in which the white man's cities and towns grow and expand into areas owned by the Indians, suitable arrangements can be made by agreement between the Indian Bands concerned and the Government of Canada and/or the provincial or municipal government which may be interested in the area. The Indian population of Canada has no desire to thwart progress of any nature. On the contrary, it is desirous of becoming a material force in the development of the country. This end, however, can be achieved only by agreement, and the practice of compulsion, in the movement of Indian Bands from land inalienably theirs, can cause nothing but bitterness and antagonism between the Indian and the white man—a situation which this Organization and all other Indian groups are desirous of avoiding.

62. *Expropriation for schools*

Section 11 of the Indian Act, which relates to the taking of lands for purposes of schools, provides as follows:—

11. The Governor in Council may take the land of an Indian held under location ticket or otherwise, for school purposes, upon payment to such Indian of the compensation agreed upon, or in case of disagreement such a compensation as may be determined in such manner as the Superintendent General may direct.

This power of expropriation is a considerable one, and it is improper that it should be exercised in relation to Indians, in a manner different from that exercised in relation to other persons in a community. Similar expropriation legislation in Ontario, for example, provides for a Board of Arbitration in such cases, and the Expropriation Act of the Parliament of Canada provides that in case of dispute as to the valuation of lands, the matter shall be resolved by the Exchequer Court of Canada in a proper judicial manner. Section 11 opens the door for arbitrary action in cases in which it is sought to expropriate Indian lands for school purposes.

13. *Right to dispose of produce*

Sections 40 and 41 of the Indian Act, added by amendment of 1932-1933 Canada Statutes, cap. 42, impose certain restrictions upon the sale of cattle, etc., grown on the property of a band. The object of these restrictions appears to be to prevent the wrongful dissipation of the assets of the band by any one member thereof. However, restrictions of an oppressive nature, such as those contained in these sections, have the inevitable effect of weakening the ability of persons to develop independence and self-reliance, and, far from achieving the avowed purpose of the sections, they encourage the wrongful disposition of the produce of reservations. By encouraging the band council itself to impose regulations upon the disposition of such produce, it appears that the object of the enactment would more readily be achieved, and in addition, that the benefits accruing to such bands in their practice of self-discipline and self-regulation would be considerable.

14. *Power to dispose of property*

Section 108, subsection (5) imposes a restriction similar to that in sections 40 and 41 in respect of the sale and barter of any animal by an Indian without the consent of the Indian agent. Here again, it is submitted that what restrictions are to be imposed upon any dealing in the assets of the band, ought to be imposed by the council of the band, and not by the Indian Agent or any other agent of the Crown. Freedom of trade among Indians of the reserves should be encouraged.

15. *Mineral Rights*

It should be noted that no mention of mineral rights was ever made in any of the treaties in which Indians surrendered their rights. In those sections which deal with the surrendering of land rights, the term "land" alone is mentioned. The Indians at no time had any intention of surrendering their mineral rights and the matter was never discussed or ruled upon by the Commissioners.

Through the administration of the Indian Act, Indians have been deprived of their rights to minerals not only in the whole of Canada, but upon lands within the reserves.

The Indians of western Canada believe that it is only just that they should now be entitled to mineral rights not only upon their reserves, but upon all lands in the western provinces. From these they claim royalties, which in the past have never been paid to them, and they claim that failure to pay them such royalties amounts to a breach of treaty rights. This should be rectified by an amendment to the Indian Act, providing for payment of past royalties for mineral development.

Section 2, Clause J, of the Indian Act in defining "reserve", includes in it any tract or tracts of land set apart by treaty or otherwise for the use or benefit of or granted to a particular band of Indians, on which the legal title is in the Crown, and which remains so set apart and has not been surrendered

to the Crown, and includes the trees, woods, timber, soil, stone, minerals, metals and other valuables thereon or therein". However, by Section 50, the Indians themselves have no control over the alienation of this property, and it is believed that such properties should be alienated only by a majority vote of the band.

66. *Homestead disability*

Section 155 of the Indian Act provides that Indians shall be incapable of acquiring a homestead in the provinces of Manitoba, Saskatchewan and Alberta. It is provided that their occupation under certain circumstances shall not be distributed, and that in certain cases, they shall be compensated for improvements made upon what otherwise would be homestead property. There appears no valid reason why Indians should be excluded from the application in these provinces of those statutes of general import, which permit of the occupation and ownership of a homestead. This right would appear to be of particular value in Saskatchewan and Alberta where the settlement movement at present is northward and it is submitted that Indians ought to be placed in at least as good a position as other persons in these provinces, in so far as the acquisition of homestead property is concerned.

66A. *Inventions*

Since many Indians are of an inventive mind and have little means to finance a search for patents, or to obtain patents or to make models for patent purposes, the Indian Affairs Branch should make provision whereby such inventions or models may be investigated, and, if worthy, be patented for the benefit of the Indian concerned.

67. *Wills and Testamentary devises*

Section 25 of the Indian Act provides that every will and testament of an Indian must be approved by the Superintendent-General, and if such will has not been approved, it shall be null and void, and of no effect. The object of this section appears to be to prevent the alienation of lands contained in a reservation and preserved for the use and enjoyment of a band as a whole, and it seeks to prevent the interference with this object. But the provision as it now stands constitutes an unwarranted interference in the right of testamentary disposition, and the same effect could more justly be secured if a provision were substituted for the present section 25 whereby it is stated that any attempt to alienate reservation property by means of testamentary disposition should, *pro tanto*, be null and void. In this way, the entire will would not be voided for lack of the mere formality of submitting it to the Superintendent General and receiving his approval, and it would characterize such testamentary dispositions as confidential during the lifetime of the Indian, and would accord him the respect which he deserves.

68. *Succession upon intestacy*

Section 26 of the Indian Act relates to succession upon intestacy, and in providing for the devolution of a one-third share of a husband's property to his widow, provides that such widow shall be "of good moral character". No objection can be taken to this provision, which finds its counterpart in many provincial Dower Acts and Widows' Relief Acts. However, subsection (2) states that:—

The Superintendent General (Minister) shall be the sole and final judge as to the moral character of the widow of any intestate Indian.

This provision places altogether too great and unrestrained a power in the hands of the Superintendent General, and if, as a matter of convenience and expediency it is found necessary to endow him with some similar power, it is

sirable that some appeal should lie from his decision to a Court of competent jurisdiction, or to some body or official locally situated, who may review the termination of the Superintendent General upon the application of the widow who may make representations thereto on her own behalf.

Judicial powers of council in matters relating to succession

A wide and unrestrained power is given to the Superintendent General in section 32 of the Indian Act, in which it is stated that he:—

may decide all questions which arise under this Part, respecting the distribution among those entitled thereto of the property of a deceased Indian, and he shall be the sole and final judge as to who the persons so entitled are.

Again, this is too broad a power, and should be restrained and modified by right of appeal. In addition, it should be expressly stated that this power can be exercised only after a full and fair hearing has been afforded interested parties to make representations before the person making the decision, and also, to take an appeal to a tribunal available to such persons at the same time readily and cheaply accessible to them. It is recommended that the council, provided for in Part II of the Indian Act, should be endowed with power to determine the judicial or quasi-judicial matters relating to succession, and other matters which concern the internal affairs of a band, in order that self-government may be encouraged, and self-determination assured according to the customs and traditions of the band.

Liability to taxation

Although the Indians of Canada have no desire to avoid their responsibility as citizens, it is the opinion of this Organization that until equality of economic opportunity and of status is achieved, and becomes a reality, the Indian population should be subject to no form of taxation whatsoever, either direct or indirect. The difficulties inherent in granting exemption from indirect taxation to Indians are appreciated, but it is recommended that all reasonable efforts be made by the Government of Canada, to relieve Indians of the liability for payment of taxes of any nature whatsoever.

Liability to military service

Treaties numbered 3, 6 and 8 specifically exempt Indians from conscription for military service. In virtue of the signing of the Indian treaties, the Indians are regarded as a nation and as one with whom the British Crown entered into diplomatic relations. Because of these treaties the Indians therefore have never been regarded as British subjects nor can they ever be regarded as Canadian citizens under existing legislation. Thus, it follows that regulations pertaining to conscription for military service should not be applied to Indians.

It should be pointed out that the loyalty of the Indian people cannot be questioned. More than 2,500 young men and women from the reserves have served with efficiency and distinction in the war just completed. Most of these served voluntarily and the Indians do not object to this since it is in accordance with their age-old traditions which have always stood for the freedom of the individual and of the group.

The Indians do object to conscription. They believe that once they laid down their arms in peace with the British Crown and signed treaties with the Crown, they should never again be asked to take up arms in behalf of the Crown. Preferential treatment has been afforded to Mennonites, Hutterites, Dukhobors, and other groups of immigrants from Central and Eastern Europe; there exists no reasons why the same exemption from military service should

not be accorded by law to the Indians. Furthermore, it is submitted that the case of the Indians is a far stronger one than that of any other group, and that it deserves immediate consideration.

It should also be noted that in 1917, under the Act applicable during World War I, Indians were specifically exempted from compulsory military service. This practice should be continued and the principle reinstated in appropriate legislation for the Indians of to-day.

72. Franchise is meaningless without educational and economic liberty

This Organization does not favour the enfranchisement of Indians in Canada but does recognize the necessity of eventually assuming the responsibilities and duties of citizenship, as well as the rights thereof, but the franchise itself is a thing of which the Organization cannot approve as such. It is regarded, not as a desirable end in itself, but rather as only one of the indicia of full-fledged citizenship. The franchise, without the education and knowledge necessary to exercise it intelligently, and in the interest of the country, is an asset neither to the Indians who possess it nor to the nation of which such element is a part. Similarly, the franchise, without equality of economic opportunity simply disguises a system which perpetuates classes of freemen and bondsmen, and does not pretend to attack the inherent evils of such an order.

It is the opinion of this Organization that the rights granted to Indians by their Treaties with the Crown are adequate to raise the standards of Indian life provided that the Treaties are sympathetically interpreted and administered by men of good will, with cognizance of Indian problems, and the *bona fides* to assist in solving them. When that has been done and the matter of citizenship placed in its proper perspective as a choice to be made *individually* by every Indian for himself, the franchise will become meaningful to Canada's oldest people—and her newest citizens. The franchise, therefore, is regarded by the Organization as the final affirmation of racial, religious, educational and economic liberty and equality, and it is only upon this basis that the franchise is desired. At present, it is not desired, in future, it may be regarded as valuable.

73. Enfranchisement must be on a voluntary and individual basis

Therefore, this Organization does not favour an indiscriminate or general enfranchisement of Indians, either in bands, or in other groups. It is of the opinion that since the rights and responsibilities of citizenship are primarily individual in nature, so enfranchisement must be upon an individual and specific basis. Laws which enfranchise an entire band upon the vote of a majority thereof, violate the treaty rights of all Indians who are members of the minority group, and who have voted against enfranchisement. More important even, they violate every principle of the Common Law and of International Law, which determine the nature of a man's citizenship, apart from the question of birth according to individual action, individual consent and individual conduct.

74. Enfranchisement must be confined to individuals upon application

The Organization approves of the provisions of Section 110 of the Indian Act which relates to the enfranchisement of individual Indians, upon application by them, and upon approval of their fitness for enfranchisement, by examination. However, it strongly condemns the provisions contained in subsection (14) of this section, which empower a Board of Inquiry to determine the fitness of the Indians of any band who have not made application for enfranchisement, the report thereof to have the same force and effect, and to be dealt with in the same manner as if an application had been made for enfranchisement under that section. Under the Treaties, Indians were constituted wards of the Crown, and the special privileges attaching to that status are, without

consent of every Indian involved, certain and inalienable. The Indian's birthright is his preferred position under the Treaty, and the rights deriving therefrom cannot and should not be interfered with, except upon the special application of the individual concerned. To seek to enfranchise Indians except on this basis and by the procedure outlined in subsection (14) of Section 110 of the Act, is to commit a serious breach of the Treaty terms. In addition, it is to fly in the face of the English Common Law which individualizes the question of status, domicile and nationality, and which bases a determination of these matters upon the *animus* or wishes and intentions of the individual involved, and which places great weight upon the conduct of the particular individual. The provisions of subsection (14) abrogate every principle of law heretofore involved for these purposes, and, in addition, deprive the Indian of his privileges under the treaties, and of his normal contractual rights as they have always been understood. This Organization therefore recommends the repeal of subsection (14) of section 110, and a confinement of enfranchisement to individuals only upon application.

With respect to Section 110, subsection (10) of the Indian Act, children of Indians who become enfranchised should not be deemed to be enfranchised until they have reached the age of 21 years, when they should be permitted to elect whether to become enfranchised or to remain in treaty. All assets to which they are entitled at the time of enfranchisement should be held for them by the Indian Affairs Branch to be paid out if, at the age of 21 years, such person elects enfranchisement.

4A. *Compensation on Enfranchisement*

Upon enfranchisement, Indians receive only their share, *pro rata*, of the assets of the band of which they were members. This often amounts to a very small sum of money. No provision is made to compensate Indians for their true birthright which they were to enjoy under the Treaties. In addition to sharing in band assets on enfranchisement, Indians should be granted, also, a sum of money in lieu of the social services, the health services, the educational benefits, the machinery and all other things to which they are entitled under the Treaty. In addition, they should be entitled to a sum equal to the Treaty money promised, but amortized over the period of their expected natural life. These are factors more important than band funds or even band lands.

5. *Representation in Parliament*

Without enfranchising the Indian, it is the opinion of this Organization that representation in the House of Commons ought to be extended to Indians, such representation to be secured upon the basis of election among the Treaty Indians throughout the Dominion, of three or four Indian Members of Parliament. It is difficult and very nearly impossible for persons other than Indians, to appreciate fully, the problems which beset the members of this ethnological group in Canada to-day. For this reason, it is highly recommended that steps be taken to secure for this group, special representation, through its own people, in the Parliament of Canada through recognition of *bona fide*, democratic Indian organizations, and through representation in Ottawa from such organizations.

6. *Conclusion: Voice of Indians should be heard*

The Indians of this Organization submit that nothing should be done by the Department of Indian Affairs Branch or by the Government of Canada which at any time will serve to sever the close relationship which has existed from the commencement of the Treaties between His Majesty and the Indian Nations who have concluded treaties with the Crown.

Furthermore, all changes in the Indian Act and regulations pertaining to it should be made only after consultation with the authorized representatives of the Indian Nations of Canada in order that they may have a voice in stating such changes as they may think necessary or desirable.

Lastly, it is recommended that in the staff of the Department of Indian Affairs there should be placed progressively more and more Indians who themselves will have a real knowledge of Indian affairs and who will be able to administer their Indian affairs in a sympathetic and understanding manner. This is of utmost importance to the Indians of Canada in order that they may participate themselves in formulating the policies which govern them.

A long-range policy is needed with the over-all aim of the total emancipation of the Indian, at his own pace and as he wishes. Fundamental to this, are the establishment of democratic practices, provision for opportunity to make a living, full health care and a proper educational program.

The first thought for the future should be co-operation: co-operation among Indian bands and the Indians themselves; co-operation between Indians and their white neighbours; co-operation between Indians and the Government of Canada. Not in hand shaking alone—as in the conclusion of the treaties in the 1880's—but in hands working together for the creation of a greater Canada and a happier Canadian people, can the hopes and aspirations which are mutually ours, be realized.

All of which is respectfully submitted.

APPENDIX "T"

SPECIAL NEEDS OF NAMED RESERVES GENERAL

All reserves in Saskatchewan are in need of the improvements, material and otherwise, set out in the body of the brief of the Union of Saskatchewan Indians. There are many other improvements which should be made on particular reserves. These can be made fully known and may be appreciated only upon a visit to the reserves themselves. For this reason, this organization urges the Joint Committee to hold regional hearings in every part of this province as soon as may be, in order that every reserve may be visited, conditions on reserves inspected first hand, and conclusions reached after this evidence has been noted.

The conditions on many reserves beggar description. Housing conditions are extremely poor, and may be described as worse than urban slums. In this regard, the Union states that housing conditions in Saskatchewan are at least as bad as those in Alberta, as described in Appendix "C" of the brief of the Alberta Indian Association, and the Union associates itself with the general comments, remarks and recommendations of the latter brief on this question.

Similarly, the needs of the reserves of Saskatchewan with respect to agriculture are similar to the needs of the Alberta Indians, and therefore, the Union endorses the principles set out in Appendix "A" to the brief of the Alberta Indian Association in this regard. Recommendations (1), (2), (3) and (4) in Appendix "A" of the Alberta submission are especially endorsed for application in Saskatchewan.

The Union endorses the general principles set out in Appendix "B" of the Alberta Indian Association as related to health. It particularly endorses the section relating to the need for improved hospital services in hospitals situated closer to the reserves in order that great distances need not be traversed by patients and by friends and relatives visiting patients hospitalized.

The Union also endorses the principle of an ambulance service to be provided on all reserves; it endorses the principle of training Indian nurses, hospital aides and first aid personnel on the reserve. It recommends a progressive development

of public health facilities on reserves; these are wholly lacking at the present time. It urges that public health for Indians should be regarded as a full-time job for nurses and physicians, and that these duties should not be loaded on as extras for personnel already fully occupied with other responsibilities.

PARTICULAR BAND REQUESTS

Some of the bands in Saskatchewan have already submitted briefs to the Joint Committee relating to their particular needs; others may, before the Committee completes its work, submit additional material. The Union of Saskatchewan Indians prays that the Committee give consideration to all such representations where it appears that they have been made by the Indians themselves, and have not been inspired by persons desiring that the Indian speak not his own mind, but the words the white man wishes him to speak.

Duck Lake Agency

In this latter connection, the Union wishes to draw attention to the brief submitted to the Committee by the Duck Lake Indian Agency, which was inspired wholly by the resident Indian Agent, Mr. N. J. McLeod. Appearing as Appendix "EU" are true copies of statutory declarations made at Saskatoon in the course of the special meeting of the Union held on April 28th and 29th, 1947, in which persons attending the Duck Lake meeting at which the brief was supposed to have been approved, declare that the meeting was dominated by the Indian agent, and that the agent cast disparaging remarks at this organization, and asked that its members leave the meeting, which, in fact, was done. It is therefore to be noted that while the Duck Lake Agency brief undoubtedly contains some useful recommendations, it was not compiled with the consent or approval of a majority of the members of the band.

Re Lucien Bruce

The Union further desires to draw the Committee's attention to the unfair remarks of Mr. R. S. Davis, Indian agent at Punniichy, contained in his letter of August 17, 1946 addressed to Mr. J. P. B. Ostrander, and printed in the Minutes of Proceedings and Evidence of the Joint Committee on pp. 138-139 of the 1947 Session. First, it should be pointed out that the Union was acquainted with the facts referred to by Mr. Lucien Bruce regarding the condition of Mr. and Mrs. Frank Wolfe, and it was of the opinion that attention should have been given sooner to their needs. Secondly, it should be stated that Mr. Lucien Bruce is a member of the Union and he was appointed a commissioner for oaths at the request of the Union for the purpose of obtaining materials of the nature submitted in his statement. Lastly, the Union thinks it unfair of an Indian agent to seek to discredit a man behind his back, and without giving him an opportunity to defend himself. Making reference to Mr. Bruce's conviction in 1943 appears, to the Union, to be most unjust; many persons have made mistakes at one time or another, and have, notwithstanding, become useful citizens. To condemn a man for all time because of one mistake—and to seek to defend oneself by throwing mud at an Indian, as Mr. Davis has sought to do—is an indication of the unfairness to which Indian agents sometimes resort. This is not the spirit in which the Treaties were entered into. While the Union cannot now ask that Mr. Davis' reference to Mr. Bruce's conviction be struck from the record, it does ask that Mr. Davis be requested to withdraw the last two sentences of the last paragraph of his letter to Mr. Ostrander of August 17, 1946.

Keeseekoose Band

In or about the year 1904, Chief Kitchimonia of the Keeseekoose Band entered into an arrangement whereby certain band lands would be exchanged for certain other hay lands in Saskatchewan. For two years this arrangement was

carried out by the Indian Affairs Branch. After the Chief died, however, the Indians of the Band were deprived of their right of entry upon the hay lands. The Union requests that a complete investigation be made into the circumstances of the arrangement, and, on behalf of the Keeseekoosie Band, requests that the hay lands of which they have been deprived, be returned to them.

Need for Day Schools

The need for schools of every type is great in every part of Saskatchewan; the north country, however, has probably the direst necessity. A survey has indicated that the following construction is highly necessary immediately:—

1. Day Schools Required.

- (1) Fon du Lac—Two rooms and residence.
- (2) Stony Lake—Two rooms and residence.
- (3) Garson Lake—Two rooms and residence.
- (4) Dillon—Two rooms and residence.
- (5) Patunik—One room and residence.
- (6) Clear Lake—One room and residence.
- (7) Stanley—One room and residence.
- (8) Polican Narrows—Two rooms and residence.
- (9) South End—One room and residence.
- (10) Lac la Ronge—Six rooms and residence; takes in everybody.
- (11) Wollastin Lake—One room and residence.

Replacements—

- (1) Pine Bluff—One room and residence.
- (2) Red Earth.
- (3) Montreal Lake—Two rooms and residence.

2. Dormitories.

- (1) Lac La Ronge.

3. Grants.

To be made by the Dominion to the Provincial Government for:

- (a) Construction of schools, teacherages, and dormitories on a proportional basis.
- (b) Equipping and furnishing of schools, teacherages, and dormitories.
- (c) Operation of schools including teachers' salaries, janitor services, water, fuel and light, and libraries, cod liver oil, etc.

Peepeekesis Band

In or about the year 1902, when the File Hills Indian Colony was established, the late Mr. W. M. Graham, agent, whose policy was to tell the Indians as little as possible, had approximately 80 acres of the reserve surveyed and broken into lots. This was carried on without the consent of the band. Following this, pupils from the File Hills Residential School at Lebret were placed upon these lots, and other students were brought from the Brandon School. Other Indians soon came from the Little Black Bear Band, the Star Blanket Band and the Okanese Band. In 1911 or 1912, more settlers were brought on this land. Mr. Graham then demanded that a vote be held in his office to determine whether this settlement project should be approved. At first, the members voted against the scheme, but they were later persuaded by him to vote in favour of the project. Additional Indians settled on the land, and there are more than 300 members of this band who are not descendants of the original Indians. An enumeration, is therefore necessary. Band membership should be determined by the band itself in a free vote. This was never done.

On March 4, 1946, the Indian agents called a meeting of the band to elect councillors; objection was taken to this procedure at that time by the original members, but the objections were overruled by the agent. Councillors were elected, but there is evidence of unfair influence having been exercised upon the Indians by the agent. It is therefore requested that a full investigation be made into the two questions raised herein by Peepeekesis' Band. One of its principal spokesmen and an original band member having full personal knowledge of the facts is Mr. Ernest Goforth who is a vice-president of the Union of Saskatchewan Indians.

Ochapowace Band

The Ochapowace Band at Broadview, Saskatchewan makes the following requests:—

(1) It is stated that during the war, Indian agent, W. J. D. Kerley advised the members of the band that until the end of the war they would receive decreased interest payments on their band funds, but that the rate of interest on band funds would be increased after the war. Members of the band are now considerably in debt and it is therefore requested that the interest rate be increased and that no demand for payment of debts be made in the fall, but that a demand be made in the spring of each year since all the resources of the band are required to carry its members through the winter months. The object is that interest payments on band funds be made available to pay band debts.

(2) It was resolved that the Department of Mines and Resources furnish the band, through Chief Jack Ochapowace, with a statement of the trust funds of the bands for each of the years between 1923 and 1946, both inclusive.

(3) It was resolved that the agreement of some 20 years ago under which certain lands of the band were surrendered, be furnished to the band through its Chief.

(4) It was resolved that the agreement setting up the community farm on the Reserve in the year 1938 be forwarded to the band through its Chief.

(5) It was resolved that there be an investigation of the removal of gravel from the Reserve in July, 1945, without the consent of the band.

Sturgeon Lake Reserve

The Indians of the Sturgeon Lake Reserve are in need of lumber for the construction of houses; it is requested that steps be taken to make such lumber available to them as soon as possible.

Stoney Band

The Stoney Band is likewise in need of lumber to build houses; nine buildings are needed at once and the money has been voted for this purpose by the band. It is requested that action be forthcoming in this matter without delay.

White Bear Reserve

Lumber and other building materials are required for the members of White Bear Reserve who are in great need of improved housing.

A Canadian National Railway track passes through the Stoney Reserve, and certain moneys have been paid by the railway to the credit of the band. A statement of this income has never been received by the band, and a request for such statement is now desired.

At a meeting of the Stoney Band held on April 28, 1947, at the farm yard of the farm instructor of the Red Pheasant Reserve, it was resolved that members of the band would not accept the sum of \$5.00 and provisions as interest from the band's forest-money. A statement has never been given to the band by the Indian Affairs Branch. The Band requests the sum of \$15.00 cash and \$5.00 in provisions for each member and a full statement of assets. The Band authorized Mr. George Nicotine, a member of the Union of Saskatchewan Indians, to make appropriate representations to Ottawa on its behalf, and the Union supports the request of the Band.

Poor Man's Reserve

A day school has been requested by the members of the Poor Man's Reserve, and attention should be given to this need without delay.

APPENDIX "EV"

STATUTORY DECLARATIONS WITH RESPECT TO THE BRIEF OF THE
DUCK LAKE INDIAN AGENCY

We, Angus Baldhead, of the Duck Lake Indian Agency, and Harry Bighead, of the Duck Lake Indian Agency, in the Province of Saskatchewan, jointly and severally do solemnly declare:—

1. That on or about the 26th day of March, A.D. 1947, Chief Don E. Gamble of the Beardy's Band at Duck Lake Agency called a meeting of all the Indians of the Band for the purpose of writing a brief for the Indians of the Duck Lake Agency, and that we were both present at the meeting on that occasion;

2. That there were four bands represented at the said meeting, being the following, viz., One Arrow, Beardy's, John Smith and James Smith Bands;

3. That approximately 30 persons were present, and that included among them, and sitting at the head table was Mr. N. J. McLeod, Indian Agent, and Chief Donald Gamble;

4. That before the meeting started, Mr. McLeod asked Joe Gamble, son of Chief Donald Gamble to act as chairman and although Joe Gamble suggested that a chairman be elected, Mr. McLeod insisted that Joe Gamble act as chairman;

5. That present also, and acting as clerk was the Indian Agent's Clerk, Mr. Victor Heidegurgan, or of some similar name, and he made notes of the discussions and compiled the brief;

6. That shortly after the meeting opened, John Henry Eyahpaise, a band member, asked for an explanation as to how this brief was to be prepared and suggested that some reference be made to the draft brief of the Union of Saskatchewan Indians, and following a discussion, Mr. McLeod said that those who are in favour of the Union of Saskatchewan Indians or are connected with that CCF outfit had better pack up and go;

7. That shortly thereafter, we left the meeting and a great many other band members left the meeting leaving no more than 10 to 15 members present at the meeting;

8. That we left the said meeting on account of Mr. McLeod's remarks and because of his domination of the said meeting, which we regard as improper.

And we make the declaration conscientiously, believing it to be true, and knowing that it is of the same force and effect as if made under oath in virtue of the Canada Evidence Act.

Declared before me at the City of Saskatoon,
in the Province of Saskatchewan, this 28th day
of April, A.D. 1947.

Sgd. ANGUS BALDHEAD.

Sgd. HARRY BIGHEAD.

[SEAL]

Sgd. MORRIS C. SHUMIATCHER.

A Notary Public in and for the Province of Saskatchewan.

We, Joe Gamble, and John B. Cameron, of the Duck Lake Indian Agency, in the Province of Saskatchewan, jointly and severally do solemnly declare:—

1. That we, together, were present, in the City of Saskatoon, when Angus Baldhead and Harry Bighead made their joint declaration dated the 28th day of April, A.D. 1947, and we have both heard their statements and read their solemn declaration;

2. That we were both present at the meeting of the 26th day of March, A.D. 1947 referred to in the aforesaid declaration and we declare that their statements respecting the said meeting are true in substance and in fact.

And we make this declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath in virtue of the Canada Evidence Act.

Declared before me at the City of Saskatoon,
in the Province of Saskatchewan, this 28th day
of April, A.D. 1947.

Sgd. JOE GAMBLE.

Sgd. JOHN B. CAMERON.

[SEAL]

Sgd. MORRIS C. SHUMIATCHER.

A Notary Public in and for the Province of Saskatchewan.

I, John Henry Eyahpaise, of the Duck Lake Indian Agency, in the Province of Saskatchewan, do solemnly declare that I have read the declaration of Angus Baldhead and Harry Bighead dated the 28th day of April, 1947, do state that its contents are true and accurate in substance and in fact;

And I make this declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and in virtue of the Canada Evidence Act.

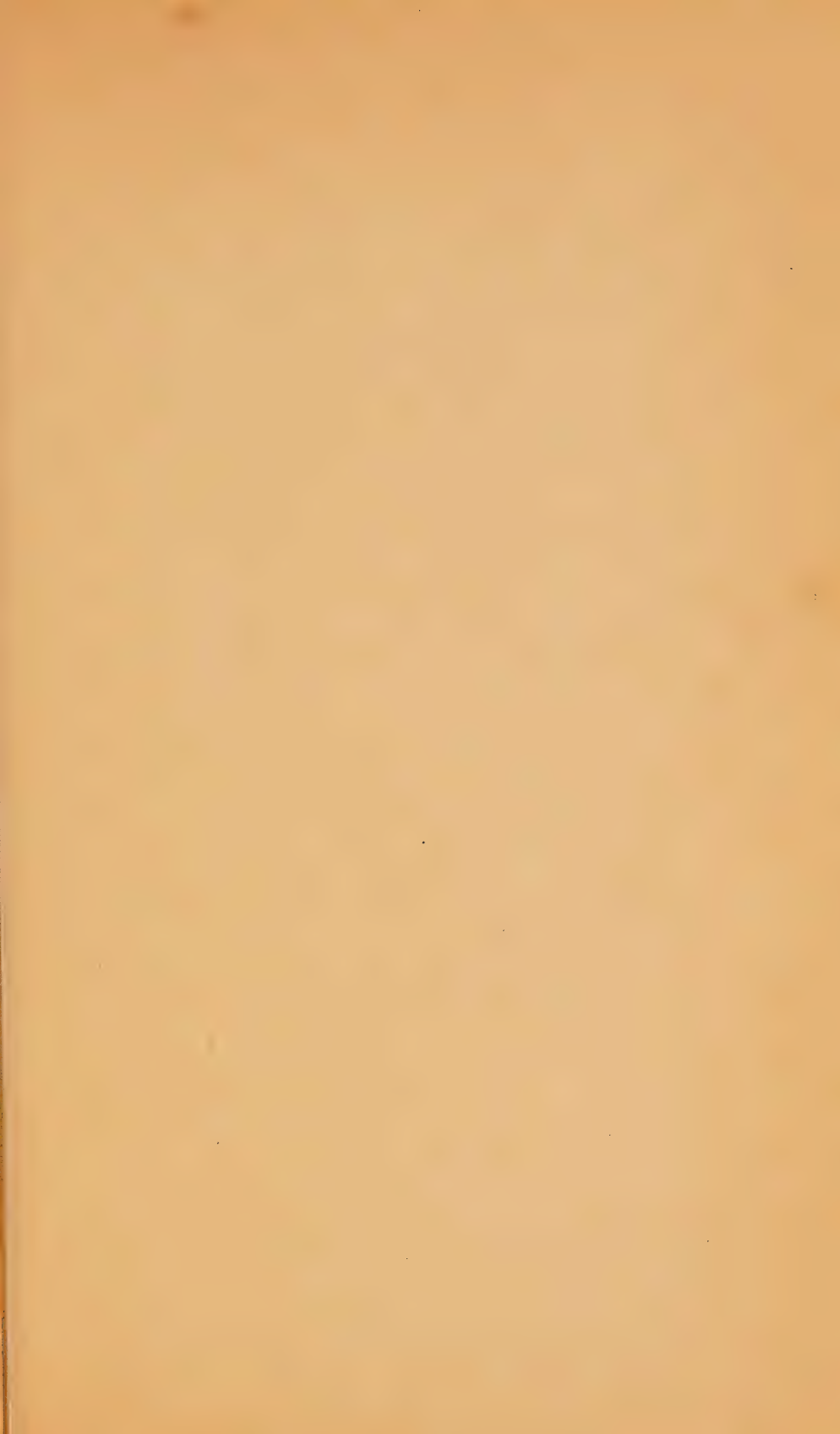
Declared before me at the City of Saskatoon,
in the Province of Saskatchewan, this 28th day
of April, A.D. 1947.

Sgd. JOHN EYAHPAISE.

[SEAL]

Sgd. MORRIS C. SHUMIATCHER.

A Notary Public in and for the Province of Saskatchewan.





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(SESSION 1947)



SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPOINTED TO CONTINUE AND COMPLETE THE EXAMINATION
AND CONSIDERATION OF THE

(INDIAN ACT)

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 20

FRIDAY, MAY 9, 1947

WITNESSES:

Mr. John B. Tootoosis, President, Union of Saskatchewan Indians;
Chief Joseph Dreaver, former President, Saskatchewan Indian Association;
Chief John Gambler, former President, Protective Association for
(Saskatchewan) Indians and their Treaties;
Reverend Ahab Spence, Teacher, Little Pine Reserve, Saskatchewan.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY

1947



MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

FRIDAY, 9th May, 1947.

The Special Joint Committee of the Senate and the House of Commons appointed to continue and complete the examination and consideration of the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 11 o'clock a.m.

Presiding: The Honourable Senator W. H. Taylor, (Joint Chairman).

Present:

The Senate: The Honourable Senators Blais, Dupuis, Fallis, Horner, Johnston, Macdonald (*Cardigan*), McKeen, Paterson, Robicheau and Taylor—10.

The House of Commons: The Honourable Messrs. Glen and Stirling and Messrs. Bryce, Blackmore, Case, Castleden, Charlton, Farquhar, Gariépy, Gibson (*Comox-Alberni*), Harkness, Matthews (*Brandon*) (Vice-Chairman), MacNicol, Raymond (*Wright*), Reid—15.

In attendance: Mr. W. J. Ford Pratt; (from Indian Affairs Branch): Messrs. R. A. Hoey, Director; T. R. L. MacInnes, Secretary; J. P. B. Ostrander, Inspector, Indian Agencies, Saskatchewan; B. F. Neary, MBE., Superintendent, Welfare and Training; H. M. Jones, Supervisor, Family Allowances; G. Patrick, V.L.A.; G. Armstrong, Welfare Division; Dr. P. E. Moore, Indian Medical Services; also Rev. J. O. Plourde, O.M.I., and Mr. Max Campbell, M.P., (*The Battlefords*); also Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer.

Mr. H. M. Jones, Supervisor, Family Allowances, read into the record a statement with regard to the payment of family allowances to Indians resident in Saskatchewan.

Reverend Ahab Spence, recalled, made a statement and was questioned thereon.

Chief John Gambler recalled, made a statement, and was questioned.

The Committee adjourned at 1 o'clock p.m., to meet again at 4 o'clock p.m., this day.

AFTERNOON SESSION

The Committee resumed at 4 o'clock p.m.

Presiding: The Honourable Senator W. H. Taylor, Joint Chairman.

Present:

The Senate: The Honourable Senators Fallis, Horner, Macdonald (*Cardigan*), and Taylor—4.

The House of Commons: The Honourable Mr. Stirling and Messrs. Bryce, Blackmore, Case, Castleden, Farquhar, Gariépy, Gibson (*Comox-Alberni*), Harkness, Matthews (*Brandon*), and Reid—11.

In attendance: as at this morning's session.

The Chairman read a copy of a teletype message from the Canadian Ambassador, Washington, D.C., U.S.A., with regard to the attendance of a representative from the United States Department of the Interior before this Committee on May 12 next.

The Chairman read into the record a memorandum from the Secretary, Indian Affairs Branch, concerning the matter of Laura James, Chilliwack No. 13 (Tzeatchen) Reserve, which was raised by Mr. Andrew Paull.

Hearing resumed of the Reverend Ahab Spence.

Statement by Mr. Ostrander and Mr. Patrick, with regard to the administration of Indian Veteran Affairs in Saskatchewan.

Mr. Matthews suggests that the Departmental officials concerned with the administration of veterans' affairs should prepare and distribute for the use of this Committee, to be printed in our record for the information of all concerned, a brief setting out clearly and concisely the departmental procedure with regard to Indian veteran land grants and other privileges.

Mr. Gariépy asks that the Committee be supplied with a statement as to the legal effect of section 10(2) of the Indian Act and how that has worked out in actual practice. It was agreed that this is a matter which should be dealt with by the subcommittee on education.

Mr. Castleden asked that the subcommittee on agenda and procedure give serious consideration to the matter of the payment of the expenses of the Reverend Ahab Spence who made a "very valuable contribution" to the deliberations of this Committee.

The Committee adjourned at 6 o'clock p.m., to meet again at 9 o'clock this evening.

EVENING SESSION

The Committee resumed at 9 o'clock p.m.

Presiding: Mr. J. E. Matthews, M.P., (*Brandon*), Vice Chairman.

Present:

The Senate: The Honourable Senator Horner.

The House of Commons: Messrs. Bryce, Blackmore, Case Gariépy, Harkness, Matthews (*Brandon*), MacNicol, Reid and Stanfield—9.

In attendance: as previously noted this morning.

Messrs. Tootoosis, Gambler and Spence made statements supplementing their brief and were questioned.

Mr. Reid expressed the thanks of the committee for a "well presented brief". The Honourable Senator Horner joined in the tribute to the delegation.

Chief John Gambler, in reply, said "I am more than happy that you have given us this wonderful reception".

The Committee adjourned at 10.40 o'clock p.m., to meet again on Monday next, 12th May, at 11 o'clock a.m.

T. L. McEVOY,

Clerk of the Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

MAY 9, 1947

The Special Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 11.00 a.m. The Honourable Senator W. H. Taylor (Joint Chairman) presided.

The CHAIRMAN: Ladies and gentlemen, our witnesses are here. I believe it was intended this morning to proceed with the brief of the Rev. Mr. Spence and Chief John Gambler. After those briefs are presented I take it we will have the privilege of questioning all members of the delegation from Saskatchewan. If that is agreeable we will proceed.

Mr. CASE: Just before we get under way, last night we were dealing with the matter of family allowances just as we concluded. I believe Colonel Jones has a set of figures which he has shown to me which relate to all Indian children who are eligible for family allowances in the province of Saskatchewan, and the number who are being paid. I think it would take only a moment for him to put it on the record.

The CHAIRMAN: Is it lengthy?

Mr. CASE: No, it is just a set of figures.

The CHAIRMAN: Is it agreeable to the committee that Colonel Jones should give this to the committee or place it on file? Which do you desire?

Mr. CASE: I think it would be very brief.

The CHAIRMAN: You would like to have it read to the committee?

Mr. CASE: Yes, it would take only a minute.

The CHAIRMAN: Is it agreeable that Colonel Jones read this statement to the committee?

Carried.

Mr. TOOTOOSIS: Before Mr. Jones proceeds I should like to say a few words. You gentlemen have asked us to speak a little louder so you can hear us. We like to hear you too, I wish everyone would talk a little louder.

Mr. JONES: Mr. Chairman and ladies and gentlemen: I happened to see the reference on family allowances about half past three yesterday afternoon. I got together what figures I could in pencil in case the question was brought up. These figures may be of interest to you. If you take the census of the province of Saskatchewan you will find that under seven years of age there are 1,572 male children, 1,611 female children, a total of 3,183. In the group from seven to sixteen there are 1,683 male children, 1,646 female, total of 3,329. The total for all children in the province of Saskatchewan under sixteen years of age is 6,512.

The figures I have from the chief treasury officer of the Department of National Health and Welfare show as at the end of February, 1947, there are 5,578 registered for family allowances in the province of Saskatchewan. Of those 4,915 are in pay, and 1,663 suspense. If you look at the annual report of last year's residential school enrolment you will note the total enrolment for the province of Saskatchewan in the residential schools was 1,886, and the average was 1,727.

The CHAIRMAN: I believe the understanding of the committee yesterday was that we would proceed this morning with the brief submitted by the Rev. Mr. Spence.

Mr. GARIÉPY: Is it clear on the record that Mr. Jones referred to Indian children of Saskatchewan?

The CHAIRMAN: That will be on the record.

Mr. CASE: It refers to Indian children.

Mr. CASTLEDEN: May I have an explanation from Mr. Jones as to the 1,663 in suspense?

Mr. JONES: Registered but in suspense, not being paid.

Mr. CASTLEDEN: And the reason for that is?

Mr. JONES: Residential school.

Mr. CASTLEDEN: Being resident in a residential school?

Mr. JONES: Yes.

Mr. CASTLEDEN: As to the rest they are being paid to the parents?

Mr. JONES: Yes.

Mr. BRYCE: Have you a breakdown of those who are residential school and those who are not getting it because they are not going for some other reason?

Mr. JONES: No, I have not. That is the total in suspense which is less than the enrolment in the residential schools.

Mr. BRYCE: But there will be some included in those figures who do not get the family allowance for some other reason than attending a residential school.

Mr. JONES: Yes. That could be suspension for overpayment or something else.

Rev. Ahab Spence, recalled

The WITNESS: Mr. Chairman, Senator Fallis and gentlemen of the committee: Yesterday we dealt quite considerably with the matter of family allowances. I should like to clear up what is in the back of the minds of those present here yesterday regarding the radius of the day schools. I never knew this before, but I have come to Ottawa for an education and that is one point I did learn. They told me according to the school Act that this was the situation. This information was given to me by Inspector Ostrander, inspector of Indian agencies in the province of Saskatchewan. Apparently any Indian child who is within a radius of two and a half miles and is of the age of ten or under is compelled by the Family Allowance Act to attend that school if there happens to be a school on that reserve. I am also given to understand that any Indian child from 12 to 16 within a radius of three and a half miles is also compelled by law to attend the day school. I hope that clears up the point that was raised yesterday regarding some Indians moving away from the Indian reservation to go threshing, for an example.

By Mr. Lickers:

Q. What about children between 10 and 12?—A. 10 and 12—they have to attend school, too.

Q. What is the radius for them?—A. I imagine the radius would be two and a half miles.

Q. You said the radius was two and a half miles for children under 10 and three and a half miles for children from 12 to 16.—A. May I suggest that you ask Mr. Ostrander about that.

Mr. OSTRANDER: Mr. Chairman, the Saskatchewan regulations set the radius of two and a half miles for children up to 12 and three and a half miles for children over 12. Outside of three and a half miles there is no compulsion. We try to follow that as far as possible in dealing with attendance where it relates to family allowance.

The WITNESS: Shall I proceed?

The CHAIRMAN: Yes.

The WITNESS: Yesterday I attempted to the best of my ability to give you some of the problems with which we have to contend as Indians. First there is the question of Indian education. I hope there will be more questions on education before this hearing is over. Before I left the meeting of this Union in Saskatoon one of the chiefs came to me and said, "You are going to be in a very peculiar position because it is bad enough to be cross-examined by one lawyer, but when you have about 40 of them firing questions at you there is going to be (blank) fire and thunder." That is the feeling I have this morning.

I do not think the other members of this delegation would object if I say a word or two about the northern Indians. After all I am a northern Indian myself. I have always had sympathy for the northern Indians. I have always felt that the northern Indian is a forgotten man as far as the Indians of Canada are concerned. He has no means of getting a hearing today in Ottawa, for example. They have not the financial means and transportation facilities. You cannot get out of the north at the present time because there is the breakup period in that country. I would feel that I had failed as a delegate representing the Indians of Saskatchewan if I did not voice their problems before this committee, a committee representing the government of Canada.

I shall be as concise as I can because I realize that some members of this committee are just itching to ask questions, and more facts can be brought out by asking direct and pertinent questions.

I should like to talk about hunting, trapping and fishing. Remember, gentlemen, that you should bear this in mind. I am here before you as a treaty Indian. Forget the fact that I am an Indian school teacher and forget also that I happen to be an Anglican clergyman. I am here as an Indian and I hope that I am voicing the voice of the Indian himself. Trapping and fishing form an important part of the occupation of the Indians. I might go as far as to say that it is their only means of livelihood. They are experts at it because it is in their blood. They love doing it. No doubt there are some of the members of this committee who are sportsmen, and the opening of the hunting season is a red letter day in the calendar of the year. It is the same with the Indian hunter and trapper. They look forward to the day when they can go out into the bush and trap and make an honest living. To the northern Indian hunting, fishing and trapping are life. It is an occupation. It is a means of livelihood. One of the witnesses you had before this committee was Dr. Tisdall. When he appeared before this committee in March last he made this statement.

If we permit the Indian to fish we should make sure we do not allow certain outside interests to deplete his lakes, just making a few thousand dollars for a company which depletes the lakes and then you and I as taxpayers have to look after those Indians for the next fifty years.

Then the hon. member from Selkirk (Mr. Bryce) made this statement on the same day.

The point you make about the white man coming in and engaging in commercial fishing in Cross Lake and up the Nelson river and in Playgreen Lake is quite correct. They have destroyed the living of the Indian. It was granted to him by the Queen that he would never have his fishing rights taken away from him. They may not have been taken away from him legally but they have been destroyed for him. The opportunity for him to make his living there has been destroyed. The same applies to hunting because that area is practically trapped out. There is no means of livelihood left for him.

May I make this plea on behalf of my native brothers of the north country, the Indian hunters, trappers, and fishermen, and point out to this committee the particular section of the country referred to in the statement just quoted is general in the northern part of the prairie provinces. If it is not already true it will come unless there is something done about it and done as soon as it is humanly possible.

When you revise the Indian Act will you see to it—and I know that you will see to it—that the means of livelihood, the occupation of our northern native brothers, is guarded and guarded well.

As to medical services for the northern Indians I do not think it will be necessary for me to dwell too long on this particular section. Reading the various representations that have been made already before this committee I gather you have a pretty fair idea of the picture as a whole. We need nurses, infirmaries, and more doctors, transmitters in outlying districts like the Shoal Lake reserve, Pelican Narrows and Stanley reserves. A telephone should be installed at Little Pine and Poundmaker and a good competent nurse is a necessity at Little Pine reserve. I might add that Little Pine reserve and Poundmaker reserve are side by side. There is no section of the country between them at all. It is all in one block. There is just an invisible line running between the two reserves.

I wish to make a general statement regarding medical services. I do believe that Indians should stay longer in the hospitals than the average white man. I will tell you why I bring that point up. The average Indian home today is not by any means as economically secure as the average white man's home. When a white invalid leaves the hospital there are facilities in his home for a proper diet while he is convalescing, soups, fresh vegetables, grapefruit, orange juice, all the foods containing the necessary vitamins, and so on. The average Indian cannot afford such luxuries or I should say niceties necessary for convalescence. For that reason I think Indian patients should stay in the hospital until they are strong enough and healthy enough to bear the rugged life of the aboriginal Indian reserve.

I should like to deal with the medicine chest. It is provided by treaty 6 that a medicine chest shall be kept at the house of each Indian agent for the use and benefit of the Indians at the discretion of such agent. I shall digress a bit here if I may. What did that medicine chest mean to the average Indian medicine man? You have heard about the Indian medicine man. In the old days the Indian medicine man used to carry around a little bag. As far as he was concerned, and as far as the Indians were concerned that bag contained all the medicine that was available in that day, all the various herbs they knew about. When the Indian medicine man came along he brought his bag with him to the patient and he sat with that patient until that patient was either cured or killed. That is a point to remember when that medicine chest idea is brought up in treaty 6. With that in mind may I read to you section 34 of our brief. Just bear in mind the little story I brought in as an illustration about the Indian medicine chest. Just bear that in mind while I read the section.

By Mr. MacNicol:

Q. Did the medicine man ever dump everything on to the ground so they could see what was in the bag?—A. I do not know whether I could answer that question.

Mr. REID: He would not want to give his secrets away.

The WITNESS:

34B. *Additional Health Services.*

It is provided by Treaty Six "that the medicine chest shall be kept at the house of each Indian Agent for the use and benefit of the Indians at the discretion of such Agent." The true interpretation of this provision

was set out by Mr. Justice Angers in the Exchequer Court of Canada in a judgment in the Petition of Right case of George Dreaver, Chief, and John Ledoux and William (Sam) Fael, Councillor, of the Mistawasis Indian Reserve dated April 10, 1935, which does not appear to be reported. There it was stated that this clause should be broadly and liberally interpreted, and that the "medicine chest" referred to in the Treaty should mean all of the necessary medical, dental, and health services which modern medicine makes possible for the maintenance of the health and strength of human beings. For this reason, it is submitted that in order that this clause of the Treaty may be carried out according to its true intent and spirit, all medical, hospital, dental, and public health services should be made available to every treaty Indian by the Dominion government without any charge whatsoever.

Mr. Chairman, I do not wish to take too much time so I shall pass along quickly to the next point. I would like, however, to touch on higher education, university education for the Indian. I hope that there will be questions on that particular section of the brief. I do want to say a word or two with regard to the welfare workers, and I wish to commend the officials of the Indian department for the very excellent and comprehensive plan which they have drawn up. That is printed in the 1947 minutes of evidence, No. 7, page 343. There is only one point I wish to bring up with regard to that matter—and I hope Colonel Jones and Colonel Neary will not mind what I say very much—and it is this: yesterday I was asked by one of the members of this committee whether I was a qualified teacher and the answer I gave at that time was, no. I am not particularly concerned about being a certified teacher. There is a difference, I believe, between a *certified* teacher and a *qualified* teacher. You all know that from your experiences with the public schools and the high schools. In the high schools, for example, a teacher may have a whole string of B.A.'s and B.Sc.'s or what has he, but may not be able to get the information across or to teach children in the best way to get that information across. Such a teacher may often talk over the heads of the pupils. Now, I may say that I think they should add in their classification of teachers a *certified* and *qualified* teacher, because it would make a better impression. On page 343 of the evidence there is reference to "teacher, Indian welfare"; and it shows the scale of salaries that they are to get in that particular section. There is only one suggestion I wish to make in that respect and that is that instead of "teacher, Indian welfare," I would like to see there a full-time trained welfare worker who could help guide pupils and ex-pupils into suitable occupations, and help them solve their moral problems and help supervise their readjustment to reserve life; someone who could act as a liaison officer between the pupil and the outside world. Teaching in any day school is a full-time job. I mean that if it is done properly and thoroughly it requires all the energy that a person can give to it. Therefore, we submit that a welfare worker be relieved of school work except, of course, as regards lectures on home economics, first aid and so on. It would be a position similar to a vocational guidance teacher in the high schools or public schools in your own white public or high schools. There is, of course, the matter of the customs of a reserve or group of reserves, but that detail could be worked out later.

Now, I have a note in my brief, and I am going to introduce it this way, and I hope that later on, after question time, that you people will be free to ask questions on this matter. However, Mr. Chairman, I should like to ask for some privilege in this regard and, therefore, I ask that when we come to discuss the question of "blanket marriage" that the discussion be off the record.

Personnel of Indian workers: I mean by that the Indian department officials. Now, as a day school teacher and as an ordinary school teacher I have had a lot of knocks and criticisms, and I have been kicked around. There is the suggestion: you should be trained and qualified. Have you got your normal

school certificate? I suggest that the same training that is required for an Indian day school teacher should also be required for every Indian departmental official who enters the service. I realize, of course, Mr. Chairman, that an organization like the Indian department, for example, is large; that there have to be definite plans; that the program and, above all, the budget, must be balanced. I suggest that there should be a separate ministry to handle the Indian problem today. The offices send out stereotyped plans and instructions to their agencies in Canada. I might add that I appreciate the position in which the officials of the Indian department are placed in dealing with the stubbornness of human nature. Every individual is different. Every agency is different. Yes, I think it is safe to say that almost every reserve could have some peculiar problem which cannot be counted upon in any other Indian reserve in the whole Dominion of Canada. It is a problem which is not in the books, shall I say. I suggest that there be more flexibility in the plans and programs of the department; to put it bluntly, less red tape. I will go further and suggest that a freer hand be given to farming instructors on any reserve, because those men in the field are on the spot; they understand and are most familiar with the conditions and circumstances of their particular reserve, and I might add that they are in a position to understand the psychology of the people with whom they are in daily contact. The personnel of the Indian department should be a trained personnel. The honourable member for Selkirk made this observation, and we as a delegation endorse it: "The Indian agent has to be more than just an agent, he has to be possessed of many fine attributes and characteristics; he has to be a man with great foresight, a humanitarian, with a true missionary spirit, to achieve the results that would be beneficial to the Indians as a whole."

May I humbly add that that statement should apply to every member of the personnel of the Indian department. I have reason to believe, Mr. Chairman, that we have now conscientious men in the employ of the Indian department. I say this not because the Indian department officials are sitting opposite me, but I say it because there is on the record of this committee, I hope, the statement that was made by the inspector of Indian agencies yesterday—the inspector of Indian agencies of Saskatchewan, Mr. Ostrander—that the delegation which is presently here, or words to this effect, perfectly represent the Indians of Saskatchewan. It should be required of Indian officials—agents, doctors, farming instructors, nurses, and whatever other services there are in the Indian department—that before being qualified they should devote some weeks, perhaps months or years, to a study of Indian history, tradition and temperament—Indian psychology, if you like.

In conclusion, Mr. Chairman and honourable members of this committee who are considering the Indian Act, may I put on record section 29 of our brief:

29. As a final suggestion of how educational services can be revised to better serve the needs of the Indian people, it is submitted that there be undertaken an active campaign of education through literature and other publicity media to educate white people to an acceptance of, and a respect for the Indian as an individual endowed with abilities, aptitudes and human rights. Race prejudice must be defeated and the public must be educated in tolerance and understanding.

Canada is a nation of many peoples. She can only rise to her full strength when all ethnic groups are permitted and encouraged to make their individual contributions to the national pattern. The Indian, with his rich background of native lore, artistry and tradition, has a special contribution to make to Canadian culture. Every encouragement should be given to him in order that he may take his proper place in the building of a truly democratic Canadian society.

I thank you, Mr. Chairman and members of the committee, for the tolerance and attention which you have given me during my presentation.

The CHAIRMAN: Chief John Gambler, have you a statement you would like to present to the committee?

Chief John Gambler, called:

The WITNESS: Mr. Chairman, honourable members of the Senate and of the House of Commons and Lady Senator Mrs. Fallis it is my pleasure and great opportunity to appear before you this morning representing the Union of Saskatchewan Indians' organization.

First, I want to thank the minister, the Hon. J. A. Glen, who has made it possible for this committee to be up to hear Indian representations regarding their affairs. He is the only minister of Indian Affairs who has taken so keen an interest, and he has been bold enough to come forward and tackle the Indian problem. I also want to thank our many white brethren in Canada who have made their efforts felt to bring about this committee which I face today.

I am reminded of what the Queen promised when she said: "Let us have a wise and paternal government faithfully carrying out the provisions of our treaties and doing its utmost to help to alleviate the Indian population. In the first place, that the provisions of this treaty must be carried out with the utmost good faith and the nicest exactness. An abiding confidence in the governments of the Queen, or the Great Mother, as they style her. This must not at all hazard be shaken. It can easily and fully be maintained."

I was here in September, 1945. I came here on behalf of the protective association which I represented at that time. I interviewed the minister, and I believe, as I said in my opening remarks, that there was something drastically wrong in the administration of Indian Affairs. At that time I also said that the accusing finger did not point to any particular official of the Indian department. I said that something must be done, and that we would recommend to Mr. Glen that a royal commission be set up to investigate Indian affairs. Since that could not be done I am satisfied that he has been able to set up this joint committee of parliament to look into Indian affairs. At times I feel that my duties are not properly fulfilled.

Now, gentlemen, I stand before you pleading on behalf of the treaty Indian of the Northwest Angle treaty who signed treaties with His Majesty's government; and I trust that, at the end of your deliberations dealing with the Indian Act, the new Act will reinstate the true status of the treaty Indian who had signed treaties with His Majesty's government. In the new Act I am hoping that the treaties which are reinstated will be properly enunciated to the Indian people of the Northwest Angle treaty.

I also want to thank Mr. Castleden for speaking to the resolution in the House of Commons on May 13, 1946. I had that *Hansard* here but I have left it in my room. It said something like this, that the present Indian Act was not so made to fulfil the treaties, and that he hoped that the new Indian Act would be made in such a way as to fulfil our treaties that were made with us. I hope the new Act that will be made will guarantee to the Indians our true status which is our birthright, our birthright being land and not property.

Again that reminds me of the Queen's promise when she said that these treaties that we make shall be carried out as long as the sun shines and the waters flow.

You see it is like this. We, the Indian population throughout Canada, have an Indian administration. We have certain grievances that cannot be placed in the proper hands to give us redress for the grievances that we have. I am hoping that at the end of your deliberations dealing with the Indian Act

you will see that we will have a proper avenue of approach in having our grievances, complaints and everything else brought before the proper authorities to be adjusted for us.

Oftentimes I have felt, and I know that I have a great responsibility placed on me as a chief and defender of these treaties. The Indian has not made very much progress since the treaties were made. Whose fault is it? I believe the department is to blame. They have been fostering an administration that should have educated us properly in order that we might be educated to the extent where we could be self-sustaining. Again I go to the treaties to what the Queen said when she did give us education—"though she may think it good for you to adopt civilized habits, has no idea of compelling you to do so. This she leaves to your choice, and you need not live like the white man unless you can be persuaded to do so of your own free will."

We have other Acts which are very alarming to the Indian people such as expropriation proceedings which could take away our lands without giving us a proper hearing. They can set up schools and take the land away from us to establish those schools.

In the Indian Act we have under a certain section no choice of placing our children in any school. I must first say what church I belong to. I have no choice there. I believe that is one amendment that must be made to the Indian Act. I put it this way. If I am a Protestant I cannot place my child in a Roman Catholic school. If I am a Catholic I cannot put my child in a Protestant school. Therefore I have no choice as to what school my children should go. I recommend to you, gentlemen, that we want day schools wherever they are needed and the residential schools that are operating at the present time to remain in the areas where they are most suitable for the people of that district. I recommend that these schools be interdenominational, that all classes of faith may attend those schools. That is my recommendation to this committee. There is the Queen's promise.

There are certain sections of the Indian Act that say at the discretion of the Indian department they can enfranchise a whole band of Indians. We are strongly opposed to the enfranchisement of Indians in Canada, but I would say it should be placed on an individual basis so that there will be no obstacle or barrier set up to stop an Indian who wants to take the status of a citizen.

We have some lands that must be reclaimed. Different lands have been taken out of our hands without proper procedure. As to conscription of Indians in time of war the Queen said when she made the treaties that she did not expect the Indian people to assist her in her wars with other nations. I will quote her promise. First of all this is what the chief said.

If you should get into trouble with a nation I do not wish to walk out and expose my young men to aid you in any of your wars.

The answer by the Governor was:—

The English never call the Indians out of their country to fight their battles. You are living here and the Queen expects you to live at peace with the white man and your red brothers and with other nations. The promises we make will be carried out as long as the sun shines above and the waters flow in the ocean.

I do not mean to say we will be against any war effort. We will recommend that it should be left on an individual basis so that an Indian could enlist voluntarily.

We have our returned soldiers who have come home. There are laws that have been set up under the Soldier Settlement Act in order to give them benefits for the service they have rendered to the country. According to the Indian agents they want us to surrender an allotment to these soldiers, but we are afraid that that is the beginning of the subdivision of a reserve. Order in council No. 5932 reads:—

P.C. 5932

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 7th day of September, 1945.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas by Order in Council of the 13th of April, 1945 (P.C. 2122) the Veterans' Land Act, 1942, was amended by deleting Section 35 and substituting therefor Sections 35 and 35A, the latter reading—

- (1) The Director may grant an amount not exceeding \$2,320.00 to an Indian veteran who settles on Indian Reserve lands, the said grant to be paid to the Minister of Mines and Resources who shall have the control and management thereof in trust for the said Indian veteran.
- (2) A grant made pursuant to subsection (1) of this section shall be disbursed by the Minister of Mines and Resources on behalf of the Indian veteran only for one or more of the following purposes:
 - (a) For the purchase of essential building materials and other costs of construction.
 - (b) For the clearing and other preparation of land for cultivation.
 - (c) For the purchase of essential farm livestock and machinery.
 - (d) For the purchase of machinery or equipment essential to forestry.
 - (e) For the purchase of commercial fishing equipment.
 - (f) For the purchase of trapping or fur farming equipment but not breeding stock.
 - (g) For the purchase of essential household equipment.
- (3) An Indian veteran on whose behalf a grant has been made under this section shall not be entitled to enter into a contract with the Director under Section 9 or Section 13 of this Act, and an Indian veteran who has entered into a contract with the Director under Section 9 or Section 13 of this Act shall not be eligible for a grant under this Section.

And whereas the Minister of Veterans' Affairs recommends that in order to give effect to the said Section 35A, the regulations under the Veterans' Land Act, 1942, made by order in council P.C. 11138, dated the 8th of December, 1942, be amended as hereafter set out;

Therefore, His Excellency the Governor General in Council is pleased to amend the said Regulations and they are hereby amended by adding thereto as Number 37 the following:

- 37 (a) Notwithstanding anything in these Regulations an Indian veteran desiring to be certified to be qualified to participate in the benefits of Section 35A of the Act shall submit to any officer of the Indian Affairs Branch, Department of Mines and Resources, designated by

the Minister of Mines and Resources, an application in writing in such form and containing such information as the Director may from time to time determine.

- (b) The Indian veteran shall submit reasonable evidence that he is personally fit and able to carry on the occupation by which he proposes to gain his livelihood and that by reason of his character, habits, knowledge and experience, he is adapted to carry on successfully such occupation.

If that person has a bad character and is not fit to take any of these benefits, to accept any of these benefits, where is he going to be? What is he going to get for his service? After all if it is a grant why take the title of the land away from the Indian which he formerly owned before he enlisted in the army?

By Hon. Mr. Dupuis:

Q. You mean on the reserve?—A. On the reserve, yes. There again we have certain regulations in the Indian Act that say you must first give this Indian a title on the reserve before he can get that grant. My Indian agent has been endeavouring to have me surrender the title to my boys on my own reserve, and I have refused to do it. I want to protect that Indian soldier's status as a treaty Indian. That is my reason for not signing that surrender. They have made all kinds of proposals to us which I know after all are not in conformity with the Indian Act. This is one of them. My Indian agent made out this declaration.

DEAR SIR—We, the undersigned chiefs and councillors of the ——— band of Indians hereby agree to locate such and such a soldier, his heirs and successors forever, as permanent occupants of the following described lands on No. ——— reserve.

I was to sign that. They would have got a surrender of the title. They go on to say that whether this proposed declaration will be acceptable to the Minister of Mines and Resources or whether it will be legal will be for the department to decide.

In the minutes of the meetings Mr. L. L. Brown, Junior Departmental Solicitor, Indian Affairs Branch, has brought forward a standard Indian location ticket to be issued under a section of the Indian Act and made in triplicate for the department. That document reads:

Be it known by these presents:—

and then there is a blank. I do not know what should be in there. Then there is a place for the province, Saskatchewan, Manitoba, Alberta, or whatever the case may be. Then it goes on:

—and Dominion of Canada being a member of the ——— band, having been allotted by the band owning the reserve with the approval of the Minister of Mines and Resources, on the aforesaid reserve, containing by admeasurement—

I believe what they proposed to give them was 160 acres more or less.

—is hereby located for the same, under the provisions of sections 21, 22 and 23 of the Indian Act, chapter 98, revised statutes of Canada, 1927. given under my hand and seal Ottawa, this ——— day of ———.

and so on.

As my friend, Mr. Dreaver, said yesterday we have been kept blind as to these Acts. The Indian department administration has been appointed to direct us, to advise us as to what laws we are to face or what laws are to protect us. I do not say I am a lawyer or that I can deal with those laws. I am expressing my own opinion on these matters.

Then there is another question. Suppose we allocated so much land to a soldier belonging to the reserve. Suppose we gave him land on the northwest corner of a reserve. Since he has had Canadian citizenship conferred on him, which is automatically given to him for the services that he has rendered for the country, that soldier would have the right to bring liquor on that reserve. What would there be to prevent him from bringing liquor in there? Today because the soldier thinks as he does he goes and has his drink. When he gets back to the reserve, or wherever he may be, he is penalized for breaking the law just because he drinks. That is the question that must be answered. What is to prevent the evil of liquor spreading into the reserve?

That is the reason why I refused as the chief and representative of that certain band to assign land to my soldiers. If it is a grant why not give it to them liberally without having to tie any more red tape on it as to what they should do? They are tied down to those lands. They automatically lose their Indian status, and if they raise a big family what right would those children have outside of those lands? That is what I am afraid of, and I recommend that it should be amended in the Indian Act.

Give us a little more authority as chiefs and councillors to be able to decide how we should operate the program on our reserves. Give us a little more right to discuss matters pertaining to our affairs. I am hoping that when the new Act is out we chiefs and councillors will be recognized the same as my forefathers were recognized when they signed the treaty with His Majesty's government. That is my plea to this committee. The treaties have not been carried out to the letter.

We have deplorable cases existing amongst our Indian people today. I know of several cases as to our aged and indigent people. I know how they are living today. If anybody doubts my statement I would say wire a man who is neutral as far as this committee and the Indian department is concerned and have him investigate these cases while I am standing here before you.

I can point to a case in the Assiniboine reserve. There is an old man here by the name of Assiniboine. Go and look at his case. We have several other Indians living in very poor conditions. I forget the names of two old ladies I have seen at File Hills with my own eyes. It is a shame the way they are living when the government said that they would provide for us.

I do not know what time I have at my disposal to place my case before you. I am only sorry that a royal commission was not set up. It could have been and brought before you the conditions which exist amongst the Indians. Here we are today. We are laboring to give you a word picture of the conditions that we have on many Indian reserves. I am hoping that at the end of your deliberations, and after you have listened to all the organized Indians of Canada, that you will give the central Canadian Indians consideration because we are unable to give you a clear word picture of our conditions.

We have some other Indians who are far more advanced than we are. If they are to appear before you they will be able to express themselves more adequately than we can. I hope that since they are more vocal you will not be influenced by what they might be granted. I hope you understand me.

The CHAIRMAN: I think you are doing very well, chief.

The WITNESS: I want to retain my status as a treaty Indian as long as the sun shines and the water flows. That does not mean to say that I am going to slide down to the bottom again. If you will assist me, help me, encourage me and give me every opportunity I will guarantee that I will live up to the standard that I am required to attain in years to come. I am sure that right at the moment we, the Indian people, cannot as yet stand the competition of the white men. Under the Act you might make laws that will force me to lose my identity and expect me to assimilate with the rest of the country. I would be lost

in the turmoil of assimilation if that were one of the measures meted out to the Indians. I am hoping in the new Act that will not be legislated for the Indians of Canada. If you will give me education, assimilation will take care of itself. As I say there will be nothing on the reserve that will be attractive to me. I will get out on the outside and compete with the rest of the world.

We will always have a class of people that cannot learn anything and who must be left on the reserve. Gentlemen, I hope that I have made a little contribution to this committee which is responsible for the Indian population of Canada. Thank you.

The CHAIRMAN: Gentlemen, I think we are agreed that the Saskatchewan representation have made a very good presentation of their case. Now we come to the point where the members hope to ask some questions. The members of the delegation will answer to the best of their ability.

Mr. FARQUHAR: I have two or three questions. Mr. Dreaver spoke yesterday as to the secrecy of the department, that information that they were anxious to get could not be received. I want to ask what information have you asked for and been refused?

Mr. DREAVAR: I should like to say in answer to that I have never met with any definite refusal. Naturally I have had to go to the local man, the man in the field, to get any information.

Hon. Mr. DUPUIS: The agent?

Mr. DREAVAR: The agent. Generally the reply is, "I have not got that information." There are times when it is almost impossible to get information such as the standing of our band funds, and so on. Various Indian bands have trust funds. They want to know what becomes of certain moneys. Nobody seems to know. In fact, at one time we had to have a legal counsel in order to obtain a statement for the band. It was only then we were able to get a full statement.

Hon. Mr. DUPUIS: You do not mean—

The CHAIRMAN: Order, order.

Hon. Mr. DUPUIS:—I was going to ask if the department does not send that yearly to the band.

The CHAIRMAN: I think Mr. Dreaver was making a statement. I would prefer to have him finish it.

Mr. DREAVAR: I can go to my agent now and he will give me a general statement, but it is not in detail. We really do not get all the information we want from that statement. We find the statement that we receive is generally just a copy. It is not signed and we do not know whether or not it is official. We believe any information like that, such as with reference to our band accounts, should be posted somewhere where we could have it. A person living outside a reserve and having any funds in a bank gets a monthly statement and the band should have at least an annual statement wanting to antagonise the officials. I am not accusing them or trying to give the impression we are beaten, but the fact is it is hard to obtain certain information.

I tried to get some information with regard to veterans. My agent does not know what is going to be done. To illustrate the point, I went down to the agency. This time of the year my men should be out working on the land. We have several veterans who are anxious to get started on the land. They were held up because they could not get certain information. They have the machinery, but they are not able to take it out of the village because the agent is away. As I said yesterday the agent has too much work to do. Now this added burden of administering the Veterans Land Act is put on him, and just when we need him to give us information he was away up north somewhere attending to the northern reserves. Does that answer your question?

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off the record. I for one want some evidence off the record where a speak freely and give the committee what we believe we should have.
Mr. DUPUIS: I thought it was for the advantage of the members of ittee.

CHAIRMAN: The motion has been moved and not seconded.

Mr. DUPUIS: I will withdraw it if it does not satisfy the members of ittee.

TOOTOOSIS: May I say something?

CHAIRMAN: Are you speaking on the question that the gentleman

TOOTOOSIS: Yes.

CHAIRMAN: Do you want it on the record?

Mr. TOOTOOSIS: Yes.

The CHAIRMAN: Very well.

Mr. TOOTOOSIS: It happens that Indians are taken out of treaty without their consent, especially an Indian woman who marries a non-treaty Indian who does not belong to any reserve. Some members have been taken out of treaty. A woman who marries a white man still draws certain benefits from the reserve where she formerly belonged.

Hon. Mr. DUPUIS: Provided she stays on the reserve.

Mr. TOOTOOSIS: No. I think it is not fair that a woman should lose her rights when she is married to a non-treaty Indian without any land. It is fair enough if she marries into a band that has some land, but as to a woman who marries a non-treaty Indian with no land I think it is unfair.

Mr. DREAYER: May I add a few words? While on my way to attend the meeting I was met by a woman at Prince Albert who had married outside of the reserve. She asked me to help her if possible. She had signed a form of commutation which gave her ten years' payment of treaty and interest moneys. She says she was told at the time that at the end of ten years that she would revert back to the reserve, or if she was all right outside then she would be enfranchised. She says it is seventeen years since she left the reserve, and since the ten years were up she has not received her treaty money and interest money. Therefore she would like to know what is her status. Is she out or in treaty?

Mr. LICKERS: She is out.

Mr. DREAYER: Has she any right to municipal or provincial benefits? She asked me to find out. She does not know where she stands, whether she is an Indian or out. She has nothing at the present time anyway.

The CHAIRMAN: On page 538 (1946) there is the form of application for commutation. I think the statement there which would be signed would settle that matter. As I understand it she would be out.

Mr. HOEY: We are constantly getting certain terms confused. So far as the Indian department is concerned an individual living in Canada is either an Indian as defined by the Act or a full Canadian citizen. So far as we are concerned we do not look upon the so-called half-breed, or non-treaty Indian, term used in the west, as anything other than a full-fledged Canadian citizen. This woman married any individual other than an Indian as defined by the Indian Act she becomes a full-fledged Canadian citizen with all the rights and privileges thereto appertaining.

She can continue to draw her treaty money for life or she can commute. Apparently this woman entered into an agreement—it was done at her own request—whereby she took her money over a ten-year period. She cannot be

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Mr. FARQUHAR: Mr. Gambler referred to not having any proper approach to the department to present the grievances of the band. I mentioned this before. It seems to me that you forget that you have a relative here in the House of Commons who has direct contact with the department. The Indians in my constituency quite often bring their problems to me and I say that the department have always cooperated at all times in trying to solve the problems of the Indians of my constituency. I am sure that I have put up many of these questions with your federal representative he would be too pleased to assist you in solving your problems. Then you speak of the Indians being enfranchised contrary of the wishes of the Indians. I have information to the effect that Indians have been enfranchised without the consent of the individual Indian?

Mr. GAMBLER: I would ask that this be off the record.

The CHAIRMAN: Is that agreed?

Hon. Mr. DUPUIS: With this reservation, that it be taken by the record, just the same, but not put on the record.

The CHAIRMAN: If the reporter takes it and it goes on the record—

Hon. Mr. DUPUIS: It will not be printed.

Mr. FARQUHAR: I think in fairness to the gentleman we should not put it on the record if he asks us not to. We will have the information we need by listening to him here and can question him.

The CHAIRMAN: Is it agreed that it should be off the record?

Carried.

(Off the record).

Hon. Mr. DUPUIS: I am forced to stop the witness. It is very important for us to know what these points are that the witness wishes to talk about off the record before deciding if it is correct to take them off. Therefore I would move that anything that the witness says be taken down just the same by the reporter and then when he is finished we will decide whether it will be put in the transcript. It should be available to the members of the committee. It might be a very pertinent question. It might be a question that should stay on the record. I move that these remarks made by the witness be taken down by the reporter and then it will be decided by the committee if they should be transcribed.

Mr. FARQUHAR: I am sorry, but I feel that I cannot agree with that for the reason that we are not going to be able to get the information that we want to get if we are going to have it put on the record. I feel that these men should be free to express themselves in any way they wish. When they ask that it be off the record I think we should agree to that. We always have done that.

Mr. BRYCE: Speaking on this point of order I am going to support Mr. Farquhar and disagree with Senator Dupuis. We want to have the confidence of these people as we never have had it before. If they come here and tell us they will give us certain information that we cannot get otherwise then I am prepared to waive it being on the record because we are a fact-finding body, and we have to take all ways and means to find out what is at the bottom of this Indian trouble.

Mr. REID: There is another point which should not be overlooked. I have been one of those who have maintained in this committee and in all committees that often it is necessary to go off the record. When you have officers of the department come before this committee who will speak more freely off the record and give you more information than if it is on the record then I think that should be done. When other officials come before us in the future you may say, "I want a record of what this man says." To my mind it is either on the

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stated under the existing provisions of the Act. She is simply a full-fledged Canadian citizen of white status if she married anybody other than an Indian defined by the Indian Act.

Hon. Mr. DUPUIS: May I ask a question? If that woman marries a white man she becomes a full-fledged citizen of this country?

Mr. HOEY: Yes.

Hon. Mr. DUPUIS: What if she has property on the reserve? Would she have a right to her property? Suppose the property was worth \$20,000. Can she only sell it to another Indian.

Mr. HOEY: She has to dispose of it.

Hon. Mr. DUPUIS: Suppose at the end of ten years the purchaser has paid only \$5,000. Does she lose the balance?

Mr. HOEY: Let us suppose she had \$20,000 worth of real property on the reserve. The only limitation put on that in the disposal of it would be she would have to dispose of it to a member of the band. Her agreement with respect to payments might be spread over twenty years, twenty-five years or she might receive cash, but that would not affect treaty payments or her share of the interest moneys.

Hon. Mr. DUPUIS: Even if she signed that document which the witness mentioned?

Mr. HOEY: They are two distinct and separate transactions.

Mr. BLACKMORE: Suppose the woman having married a white man loses her status as an Indian. Then suppose her husband dies, the white man, and she marries an Indian.

Mr. HOEY: She would become an Indian.

Mr. BLACKMORE: I wonder if I might ask Mr. Hoey one more question. I could not tell whether he said that this woman who had commuted her treaty rights could or could not regain her status. I could not tell whether Mr. Hoey said "can" or "cannot". Could she regain her status as an Indian after ten years?

Mr. HOEY: Yes, by marriage, marrying an Indian, but in no other way that I know of.

Mr. CASTLEDEN: The band could not take her in?

Mr. HOEY: No, she would be a trespasser if she went on to that reserve. She is a full-fledged Canadian citizen.

Mr. BLACKMORE: When she had only signed away ten years of her rights?

Mr. HOEY: No, when she married a white man.

Mr. BLACKMORE: I am speaking of this woman who had commuted her treaty rights for ten years.

Mr. HOEY: She could not do that except by marriage.

Mr. BLACKMORE: The chief just told us she did.

Mr. DREAYER: It is done. On my particular reserve, the Mistawasis reserve, we have some women who have signed a commutation form. I have a daughter-in-law who was asked to sign an enfranchisement form which apparently is a different form, and under that she gets a little more than she would under a commutation form, but she is asking for enfranchisement. There is a distinction. That is why I was asking what is the status of a woman who only signs a commutation form? What status has she at the end of the ten years? What becomes of her? According to what the woman told me she is neither a citizen of the country nor an Indian.

Hon. Mr. DUPUIS: Did she marry a white man?

Mr. DREAYER: Yes, living in the city of Prince Albert right now.

Hon. Mr. DUPUIS: He is a Canadian citizen.

Mr. LICKERS: May I clear up the situation? Under the present terms of the Act as soon as an Indian woman marries a white man she immediately becomes, to all intents and purposes, a white woman, but if that particular band of which she was a member has any interest money or treaty money the department can say, "Here, we will commute that on a ten year basis and we will pay it to you now and then we are done for all time to come." That is done in pursuance of section 14 of the Indian Act.

Any Indian woman who marries any person other than an Indian or a non-treaty Indian, shall cease to be an Indian in every respect within the meaning of this Act, except that she shall be entitled to share equally with the members of the band to which she formerly belonged in the annual or semi-annual distribution of their annuities, interest moneys and rents; but such income may be commuted to her at any time at ten years' purchase, with the approval of the superintendent general.

She may go on there for five years, and then have the thing commuted on a ten year basis after that. That is merely buying out any interest she may have in the interest money, annuities or rents, but she automatically loses her status as an Indian on her marriage.

Mr. MACNICOL: Chief John Gambler when he was talking more or less asked a question as to why the Indians should be allocated to the various churches. For instance, he was speaking about education. He asked why, if he wanted to send his children to a Roman Catholic school or to a Protestant school, he would not be able to make his own choice. Would you explain that a little further?

Mr. GAMBLER: I believe there is a section in the Indian Act which says that I must first show my faith, what church I support. There is a distinction there between the Roman Catholic and the Protestant, as I said before. I have got to be a Roman Catholic before I can put my children in a school of that faith. Suppose that I am a Protestant. If the Catholic school is turning out better pupils I would not be given the privilege of placing my children in that school.

Mr. REID: Who decides that?

Mr. GAMBLER: The Indian Act decides that, so that does not give me any freedom of choice as to the school to which I send my children. That is another reason why I said I would recommend that we should have the schools under the control of the government, under the Civil Service Commission.

Mr. LICKERS: Is that all schools, including day schools and residential schools?

Mr. GAMBLER: And residential schools, yes.

Mr. MACNICOL: Confining my remarks to day schools your recommendation is that they should be operated as non-denominational schools by the department.

Mr. GAMBLER: Yes, that is my recommendation.

Mr. MACNICOL: I might say, as you well know, I have been on many reservations. I should like to ask if there is anybody able to give information as to why each and every band is lined up as either Protestant or Roman Catholic? Have they no choice at all?

Mr. GAMBLER: I believe I said interdenominational schools.

Mr. MACNICOL: The proper word is "non-denominational."

Mr. GAMBLER: Where all faiths could send their children to such a school.

Mr. MACNICOL: Then I will ask you this question with respect to your own particular band. Is it regarded as a Roman Catholic or a Protestant band?

Mr. DREAVER: We are mixed. We have families there who are Roman Catholic, families there who are Protestant and families who are pagans, people

who have no religion. Now, in our case, if we had a non-denominational school, or an inter-denominational school, we would all go to that school. That is my point.

Mr. MACNICOL: I am not just getting the answer I wanted. When you read a list of the reserves in a report you find in most cases the reserve is referred to as being either Roman Catholic or Protestant. My question is this, have the Indians had any choice as to whether they want to be reported as a Roman Catholic band or as a Protestant band; or do you just have to take what the department gives you?

Mr. DREAYER: I will take my own reserve, Mistawasis. The majority of people there are Presbyterian but there is a minority who are Roman Catholic. Our grade school teacher is a Presbyterian missionary and the Roman Catholics do not like to send their children to that school.

Mr. MACNICOL: Why?

Mr. DREAYER: That is why we ask that schools be made non-denominational.

Mr. MACNICOL: Mr. Spence, let me ask you about your school, do you teach religion in the school?

Rev. Mr. SPENCE: No; but the church officials would rather have children sent to a school conducted by a church of the denomination to which the parents belong.

Mr. MACNICOL: Well, if you do not teach religion in your school why do the Roman Catholics not want to send their children to that school?

Mr. DREAYER: I am afraid I cannot answer that question, but I know the difficulty of getting these children to go to school. I do know that a lot of these Roman Catholic families would like to see their children go to a day school rather than to a boarding school on account of the home influence of the parents which they could have with their children; but they haven't any choice to do anything but what they are advised to do by their church people. They have to put them in schools conducted by their churches, churches of their faith.

Mr. MACNICOL: In the residential school to which you referred yesterday do they teach religion?

Rev. Mr. SPENCE: Yes. We had a pupil in our last meeting in Saskatoon who made a particular statement—I would not care to have that statement on the record.

Mr. MACNICOL: I have come across the same thing on other reserves. I asked them why they could not send their children to whatever school they liked. I quite agree with you. I think the parents should be able to send the children where they like. I have just one more question to ask, Mr. Chairman.

The CHAIRMAN: Just a moment, Mr. MacNicol, I understand that Chief Tootoosis wants to make a statement on this; do you?

Mr. TOOTOOSIS: Yes. Section 10, subsection 2 of the Indian Act reads:—

Such school shall be the nearest available school of the kind required, and no Protestant child shall be assigned to a Roman Catholic school or a school conducted under Roman Catholic auspices, and no Roman Catholic child shall be assigned to a Protestant school or a school conducted under Protestant auspices.

The CHAIRMAN: Apparently then the Indian has no absolute choice at all as to where he is going to be sent.

Mr. GARIEPY: Why do you not put a question to him on the application of the Act, ask him how the Act works out in actual practice?

Mr. MACNICOL: I have just one more question, Mr. Chairman; I have forgotten which chief it was referred to Mr. Castleden having helped them in their organizational work.

The CHAIRMAN: It was Chief Gambler.

Mr. MACNICOL: I got the impression that he tried to convey the impression that Mr. Castleden particularly had done a great deal to help them with their problems.

Mr. GAMBLER: No, that is not what I said. I said that I wanted to thank our many white friends, that I appreciated the effort of our white friends in helping to bring about this examination.

Mr. MACNICOL: That is why I left at that time, I went out to get *Hansard* going back a good many years, back to 1936, when I travelled over fifty reservations, and at that time I said in the house that I thought a royal commission should be set up to investigate and study this whole problem.

Mr. BRYCE: Mr. Chairman, everyone knows of Mr. MacNicol's achievements.

Mr. MACNICOL: We all have given it support. I do not think any one party in particular should have prominence. There are some members here who interested themselves in this subject a good many years before others even came to the house.

Mr. GAMBLER: You have been a chief quite a number of years.

Mr. MACNICOL: Every member of this committee is interested in this whole Indian business. This revision should be brought up right to the last minute.

Mr. GAMBLER: I want to thank the gentlemen.

Mr. CASTLEDEN: And include my thanks as well.

Mr. GARIEPY: Thank us all.

Mr. MACNICOL: It was long before Mr. Castleden came here at all. Long ago we were asking for a royal commission on this matter.

Mr. CASTLEDEN: Hear, hear.

The CHAIRMAN: Mr. Reid?

Mr. REID: I have a lot of questions but I do not think I can finish before one o'clock, Mr. Chairman. I will proceed until that time.

My first question is, are there any non-treaty Indians in the province of Saskatchewan?

Mr. GAMBLER: I will answer that question, Mr. Chairman. There is a band of Indians at Maple Creek who are non-treaty Indians.

Mr. HARKNESS: Are they Piapot?

Mr. GAMBLER: No, that is a band out at Maple Creek. May I ask Mr. Ostrander if I am correct in making that statement, that there are non-treaty Indians at Maple Creek.

Mr. OSTRANDER: Mr. Chairman, there are several bands of non-treaty Indians. They are made up mostly of Sioux; and, as Chief Gambler says, there is one group which is not Sioux. There are two small groups in addition, one north of Battleford at Jack Fish Lake and one at Chitek. As Mr. Gambler says there is one group which are Sioux, but they are for the most part Cree, all that are left of the original band. There are about four hundred people in all, and while they are not treaty Indians they are treated as Indians.

Mr. LICKERS: We have a brief from them which will be found at page 212 of the 1947 Minutes of Proceedings.

Mr. REID: Then there is this reference to medicine chest in your brief. I have every sympathy with you. I take it from what you say there that what you would suggest in place of that would be modern government supervised hospitals wherever possible.

Rev. Mr. SPENCE: Yes, I would.

Mr. REID: The reason I say that is that if you come to my own district you will find it under government supervision. My next question has to do with teaching. I think we had some discussion about that yesterday. And now, I am not going to ask you about your qualifications because you have already indicated them. But my question is this; is the standard of the education in the school under your care, or Indian schools generally, equal to that of Saskatchewan public schools.

Rev. Mr. SPENCE: I follow the curriculum of the province of Saskatchewan.

Mr. REID: And who inspects these schools?

Rev. Mr. SPENCE: Inspector Brown.

Mr. REID: And he makes a report?

Mr. HARKNESS: He is the provincial school inspector.

Rev. Mr. SPENCE: He is the provincial school inspector, the provincial government inspector. Incidentally I would like to point out that I have never seen a report as made up by Mr. Brown, and I would like to see one.

Mr. REID: My next question is this; several witnesses have advocated non-denominational schools. My question is, what would your idea be regarding sending the children to public schools and having them mix with white children so that they would assimilate more readily?

Rev. Mr. SPENCE: I went to public school after I left The Pas, at Mortlach, as I told you yesterday, and I was a museum piece; but in spite of that I managed to get along.

Mr. MacNICOL: You were, what?

Rev. Mr. SPENCE: A museum piece, a part of a museum, everybody was curious about this chap. Of course, in those days I used to have my hair different to what it is now. Personally I would say that the Indians at the present time would prefer public schools. Personally, if I had the opportunity open to me I would send my children to a public school. I tell you now as I told you yesterday, please forget the fact that I am supposed to be an educationist—I sometimes wonder if I am—I am here speaking with the voice of the Indian about the Indian Act which you are going to make over and which is going to affect all concerned for generations to come, many of whom are going to be in the same position as I am today. That is the point most of us forget; we make this reservation at the back of our mind, we are talking about our own individual petty grievances—if I may use that word—and we forget that this act when it is revised is going to be something that is going to affect the Indian generations for perhaps a hundred years to come. That is the point I think, gentlemen, you will have to consider when you have to decide one way or another in the revision of the Indian Act. There is a question there. These are my personal feelings; if I had the financial means, if I had the money, I would and shall with the help of the Indian department or not, I will have my children trained as most of you do—they are not of school age yet—I will make this statement, I shall see to it that my children are educated; it does not make any difference whether they are financed by the government or not, at least to obtain the same opportunities that I have had and may have. I want to express my appreciation for my education, and I am not ashamed to admit it, that I have the Anglican church to thank for whatever education I have, especially my professional education.

Mr. REID: I have one or two questions which I cannot finish before one o'clock.

The CHAIRMAN: Well, then, gentlemen, we will call it one o'clock and we will meet again in this room at four o'clock this afternoon.

The committee adjourned at 1 p.m. to meet again at 4 p.m.

AFTERNOON SESSION

The committee resumed at 4 o'clock p.m.

The CHAIRMAN: In opening the meeting this afternoon there are one or two matters that probably we should settle before proceeding with the business. Our schedule called for us to hear the United States Commissioner on Indian Affairs at the meeting on Monday, the 12th of May. There is a wire from the Canadian Ambassador to the United States to the Secretary of State for External Affairs, Ottawa, from Washington, dated May 7.

From The Canadian Ambassador to the United States
To The Secretary of State for External Affairs, Canada

WASHINGTON, May 7, 1947.

Immediate

En Clair

Teletype

WA-1431

WA-1431. Reference your EX-1188 of May 6th, 1947, and your EX-1194 of May 7th concerning invitation for United States representative to attend Senate hearing in connection with the Indian Act.

The information contained in your EX-1132 of April 29th was passed to the State Department for transmission to the United States Department of the Interior. The State Department informs us that the Department of the Interior have agreed to send a representative to this hearing, but it is not known yet whether it will be possible for him to meet the May 12th deadline. Efforts are being made by the State Department to learn as quickly as possible when the representative can go to Canada and they have promised to inform us as soon as possible when information is known.

CANADIAN AMBASSADOR

Should the United States Commissioner for Indian Affairs not be able to attend on Monday next I would ask you to consider using a part of Monday for hearing Mr. Ostrander, the Inspector of Indian Agencies for Saskatchewan, in open and closed meetings. Would that meet with the approval of the committee?

Mr. REID: I was going to suggest that if there is any difficulty about the United States representative not being able to come on May 12th, that day being the deadline, that we extend the time to at least the 16th, because I notice on the 15th and 16th we have Messrs. Neary, Jones, MacInnes and Dr. Moore. They are available any time, and I think it might be advisable to take them on the 12th and 13th, and take the United States Commissioner on the 15th and 16th.

Mr. CASE: In other words, we would alternate to suit the convenience of the United States Commissioner.

The CHAIRMAN: I think that is agreeable to the committee. If he cannot be here on Monday then we will proceed with the hearing of Mr. Ostrander.

Carried.

There is one more matter with regard to a case brought before the committee the other day by Mr. Paull of the North American Indian Brotherhood, *re* Laura James. There is a memorandum in connection with that from Mr. MacInnes. It reads:—

OTTAWA, May 8, 1947.

Memorandum

Mr. D. F. BROWN, M.P., Chairman, Special Joint Committee of the Senate and House of Commons examining Indian Act, House of Commons, Ottawa.

With reference to evidence given before the committee on Tuesday, May 6th, by Mr. Andrew Paull, President of the North American Indian Brotherhood, herewith is a brief statement from the records of the department concerning the matter of Laura James, Chilliwack No. 13 (Tzeachten) Indian Reserve.

T. R. L. MACINNES, *Secretary*.

If it is your pleasure we will place the memorandum *re* Laura James on the records of the committee.

Memorandum:

Re: LAURA JAMES

In 1942 we were advised that the Department of National Defence desired to lease certain lands upon the Chilliwack No. 13 (Tzeachten) Indian Reserve for a rifle range which was urgently needed by the Royal Canadian Engineers and the basic training camp in that vicinity. The ground selected covered a number of lots owned by white persons as well as some thirty-one acres in the said reserve.

The Indian agent for the reserve, in reporting the application to the Department, advised that while the Indian locatees of the property were agreeable to the proposed leasing, one of them, Fred Wealick, a dairy farmer, would be left with a dairy herd and no land and suggested to the Department that as the James Mitchell estate property adjacent to Wealick's homestead was held by a non-band member, the said estate property might properly be sold to him, thus facilitating the leasing to National Defence and at the same time providing Wealick with land on which he could continue to operate his dairy business.

On referring to the Department's records, with reference to the estate of James Mitchell, it was discovered that he had died on August 14th, 1938, and under the terms of his will had devised all his property to his granddaughter, Mrs. Laura James. The said will had been approved by the Department on October 26th, 1938, but at the time of approval there was no intimation given that Mrs. James was not a member of the band and outside of the formal approval of the Will, no further steps were taken to carry out the administration.

The reason why Mrs. James, a non-band member, was allowed to remain on the property from 1938 until 1942 was explained by the Indian agent when he stated that from the date of the testator's death until 1942 he had been unable to find a purchaser for the property among the members of the Tzeachten Band and had, therefore, not asked her to vacate the land.

The Indian agent's suggestion, with regard to selling the James Mitchell estate property to Fred Wealick, was therefore the first intimation received by the Department that Mrs. Laura James, the heir of the James Mitchell estate, was not a member of the band and following the receipt of this information, investigation revealed that the said Laura James, while originally a member of the Tzeachten band, had married into the Squiala band and on the death of her husband had returned and taken up residence on the Chilliwack Indian Reserve.

Under the circumstances as reported and on being advised that the offer of Fred Wealick to purchase the estate property at \$40.00 an acre was most reasonable, on January 20, 1943, the Director of Indian Affairs, under the authority of section 25, subsection 3 of the Indian Act, directed that a sale of the property to Wealick for \$40.00 an acre be carried out and the sale being concluded on May 22nd, 1943, a cheque for \$1,305.60, being payment for 32.64 acres at \$40.00 an acre, was forwarded to Mrs. James in care of the Indian agent.

When the cheque was received by the Indian Agent he did not deliver it to her pointing out that she had, on more than one occasion, been charged with drunkenness and that, in his opinion, it would not be a wise thing to give her such a large sum in cash and he suggested that in her own best interests she should be paid a regular monthly allowance. As a result of the recommendation from the Indian Agent, the \$1,305.60 was deposited in a savings account at the Indian Affairs Branch and arrangements were made for a monthly cheque of \$30 to be forwarded to Mrs. James in care of the Indian Agent and the said Agent was advised that at any time Mrs. James wished to build a house, purchase clothing or otherwise use the money for a reasonable purpose, withdrawals would be permitted.

Apparently Mrs. James refused to accept her monthly cheques and refused to vacate the property for in the Spring of 1944 the Indian Agent advised that while she had continued to occupy the cabin on the property she had created so much trouble by abuse of Wealick, the purchaser, and had interfered in his use of the land, that he had been obliged to take action against her for trespass under Section 34 to 36 of the Indian Act.

Mrs. James engaged counsel on her behalf who attempted to establish the fact that she was entitled to reside on the Reserve but there was no basis for such statement and the Department advised that she could not be permitted to stand in the way of the sale properly carried out under the provisions of the Indian Act and that if she would not peacefully remove, steps would have to be taken to evict her as she was no longer the owner of the aforesaid estate lands.

The case came up for argument on October 4, 1944, before Magistrate Wilson, at Chilliwack, British Columbia, and Laura James was found guilty and sentenced to imprisonment for the time she spent in custody which was a very short time, less than a day in fact. On October 12, 1944, the solicitor for Mrs. James advised that he had filed notice of appeal in the County Court and on the appeal coming up for hearing in Chilliwack, before His Honour, George Whiteside, on December 13, the

appeal was dismissed on the grounds that Subsection 2 of Section 38 of the Indian Act provides that a judgment or order made under Section 36 of the Act shall not be appealed from but shall be final.

In so far as the Department is concerned this concluded the Laura James case except for the fact that she has not to date received the money from the sale of the James Mitchell estate property. As stated previously this amounted to \$1,305.60 and with interest earned while in a savings account at the Indian Affairs Branch now totals \$1,560.06 and is available for payment to Mrs. James whenever she wishes the money and the Department is satisfied that its expenditure will be in her best interests.

Mr. CASE: That is the lady in the Fraser Valley?

Mr. HARKNESS: Yes.

The CHAIRMAN: We will proceed with the questioning. I believe we were as far as Mr. Reid and he had not completed his questions.

Mr. REID: When the committee rose at 1 o'clock we had been dealing with the matter of education. I think I had asked most of the questions that I wanted to ask regarding education. In your brief there are definite statements made, and at the moment I do not think I will ask any more questions on that subject. However, there are one or two further questions which I should like to ask. I think it was the Rev. Mr. Spence suggested in his evidence that Indian agents and others connected with the department should have some other training or experience with the Indians. Personally I am all for it. My question is would you suggest that in the future all should have actual personal contact or experience with the Indians right from the top down?

Rev. Mr. SPENCE: I think it would solve a lot of the problems if they understood the Indian psychology.

Mr. REID: If they had some experience in the field with the Indians either as agent or in some other capacity?

Rev. Mr. SPENCE: Yes.

Mr. REID: On page 15 of the brief there is a statement which I do not think has been adequately dealt with. It says:—

The present system encourages educational delinquency, retarded development, and an aversion to education.

I wonder if any of the delegation, particularly the Rev. Mr. Spence, would care to explain just how the present system encourages delinquency, retards development and creates an aversion amongst the Indians to education.

Rev. Mr. SPENCE: That is on page 15?

Mr. REID: Yes.

Rev. Mr. SPENCE: I think Mr. John Tootoosis gave a very good illustration as to the true meaning of that particular section yesterday when he gave the example of his own family. Do you recall that.

Mr. REID: I will accept that. There would seem to me to be a conflict between a statement on the same page, page 15, and a statement on page 20. Page 15, paragraph 2 reads in the second sentence:—

The restrictions, discipline, exclusive use of English, etc., in the residential schools are now recognized as having a harmful effect on immature minds and bodies.

Then on page 20 in section 26 (b) you say:

Basic English would assist Indians in their relations with the whites and would foster self-confidence.

First of all I should like to know why the exclusive use of English in the residential schools is looked upon as being harmful, especially to immature minds

and bodies, and secondly how does that sentence fit in with the latter sentence that basic English would assist the Indians in their relations with the whites and would foster self-confidence.

Rev. Mr. SPENCE: I should like to finish that paragraph on page 15, section 2. It reads further:—

It is the belief of this organization that this hiatus in family ties and parental training is at least partially the cause of post-school delinquency. Regardless of how kind and sympathetic the staff of a residential school may be, such a staff cannot replace the average parent.

Does that not speak for itself?

Mr. REID: I have in mind the younger people at school helping the parents. I have in mind their being taught the English language, especially in the western provinces, and going back to their homes and thereby helping their parents to speak English, little though it may be.

Rev. Mr. SPENCE: I will illustrate it. I attended two residential schools in my day. The first one was at The Pas. As I said before in that school we were supposed to talk English, but we were all Cree Indians so we used to talk Cree when the members of the staff were not around. At Elkhorn residential school it was a different thing altogether. I do not know whether the same situation exists today in that school. I am not in a position to say, but this is the experience as it was in my day. I would like to get that point home if I may. In that residential school there were Salteaux Indians, Cree Indians, Sioux Indians and Ojibway Indians. The common language was English. We used to have to talk English to understand each other because we found it a lot easier to learn English than to learn any other Indian language. When I used to be in the residential school I could go home for six weeks if I wanted to or I could stay at the school. I always had privilege during the two months. It was not compulsory; in my own case at least it was not, to go home to Spirit Lake where I was at that time. It was possible for me to spend my two months summer holidays. I used to stay at the school during the two months of holidays. At times I used to go out with father to fish in northern Manitoba during the summer. I stayed away from the Indian reservation, had no contact with my language at all, for about two and a half years. That is when I was at Mortlach and when I went back to The Pas after two and a half years, you know it took me a couple of weeks to pick up my Cree; I mean, I could understand it, but I had to think twice before I could answer back; and I was under the impression that my father was thinking that his son would not talk the Cree tongue any more because he was ashamed of it.

Mr. REID: The reason I asked that question was because of the experience we had in British Columbia. We had a certain race of people come to that province about ninety years ago, which is about as far back as one can reasonably go—I refer to the Japanese—the children came to our schools and sat in the same classrooms alongside our people, my own boys and girls sat with some of them in school. These children would go back to their Japanese homes and speak English and we were of the opinion that that assisted towards, if possible, an assimilation of those people. In this way it assisted their contact with white people, and that is why I ask you this question; is there not a conflict on page 20? Can you answer that part? You have found on the one hand it is harmful in its effect, and next you say basic English would assist the Indians in their relations with the whites and would foster self-confidence.

Mr. CASTLEDEN: I think on page 15 they included restriction, discipline and other things; you notice, restriction, discipline and other things as well as the exclusive use of English. On page 20 they just refer to the fact that basic English would be a tie. They are not referring to the use of English alone on page 15.

Mr. REID: Of course, my own view is that different languages tend to divide people.

Mr. CASTLEDEN: I think you are right.

Mr. REID: It tends to divide them, to keep them apart.

Mr. CASE: Mr. Reid, might I interrupt to say that the chairman asked Mr. Spence if he has seen the new book available on basic English; do you think that would be helpful in a better appreciation of the English language so that it would be more useful.

Rev. Mr. SPENCE: Is that a recent publication?

Mr. CASE: Yes, do you know it?

Rev. Mr. SPENCE: I know of it. There was something arrived at Little Pine just as I was leaving, and it might have been that book. I had heard of it from a teacher in northern Ontario who recommended it.

Mr. CASE: You are supposed to be able to learn basic English in about three months.

Rev. Mr. SPENCE: I do not think you could do that in three months.

Mr. CASE: You are supposed to be able to.

Rev. Mr. SPENCE: I quite agree with the importance of learning the program. Incidentally, they put out a paper now called The Indian School Bulletin and it gives a summary of what is done in Canada, and it assists you to understand what is being done in other schools besides your own. And it more or less makes you realize that it is a tremendous problem with which we are faced.

Mr. REID: Now, one other question; do the Indian parents have a desire that their children be educated?

Rev. Mr. SPENCE: Definitely, yes.

Mr. TOOTOOSIS: In the past there has been considerable complaint that Indian parents do not send their children back to school right after vacation. There has been a reason for that in the past, the feeling has been that the children are not getting sufficient education from the schools. The attitude is, what is the use of sending them back if they do not learn more than they did?

Mr. MATTHEWS (*Brandon*): What was that again, I did not quite hear you?

Mr. TOOTOOSIS: Parents have been discouraged with the schools in the past because the children did not appear to be learning as much as the parents think they should. That has been the case in the past, and that is the principal reason why they are not sent right back to school after vacation.

Mr. CASTLEDEN: But the conditions in the residential schools and in the day schools are not the same.

Mr. TOOTOOSIS: The situation is different now. I have been talking about the past.

Mr. MATTHEWS (*Brandon*): Is that condition of discouragement general, do you think?

Mr. TOOTOOSIS: It has been in the past.

Mr. REID: Have you given any thought as to whether it would be advisable to draw the line as to how far out you would designate a person an Indian? Do you doubt you have the same problem as we do on the Pacific coast where there are white people living in close contact and where you have a lot of people with but a small percentage of Indian blood. I wonder if you have looked over the groups that you have met and realize that some day it is going to be difficult to say whether such and such a man is an Indian. Have you given any thought to where the line should be drawn as to the designation of a person as an Indian? We know that a white man is not an Indian, and an Indian is not a white man. How far out do you think it should go?

Mr. TOOTOOSIS: My answer to that would be this. That question has been raised here in the committee before this. For instance, an Indian boy marries a white girl and she is held to be an Indian: and his children will be Indian and would come under common ownership of land on the reserve. But in the case of a girl who marries outside of the reserve, her children would be brought up as outsiders. So no matter how far you go into this question of intermarriage as long as they are brought up on the reserve as Indians, under common ownership of land, I think they should belong to the band. I would not drive them out. They are all of the same blood.

Mr. REID: Have you given any thought as to how we can change the attitude of our people, I mean the white people. For instance, a white man marries an Indian woman and there seems to be nothing held against him among his white neighbours, but if on the other hand a white girl marries an Indian she seems to be placed in a different class entirely.

Mr. TOOTOOSIS: Well, when you get into this question of mixed marriages—

Mr. REID: I won't pursue that point any further, but I want to ask you about this brief. Is this brief which has been submitted to us representative of the voice of a majority of the Indians in Saskatchewan?

Mr. DREAVER: With regard to that subject, that is a matter that we have not taken up in our organization, and we are not prepared to state just where the line should be drawn with respect to intermarriage. I do not think that we would be in a position to express an opinion on that.

Mr. CASTLEDEN: What's the matter, did you get the question?

Mr. DREAVER: In answer to that question, with regard to who should be a member, I mean as to where to draw the line—

Mr. REID: We have accepted that statement, we realize that.

Mr. CASTLEDEN: I would like to have it made clear on the record that you asked a question about the brief and he answered the question with regard to white people.

Mr. REID: Yes.

Mr. CASTLEDEN: I think the record should be clear.

Mr. REID: It is the brief that I am speaking about now, is this brief the majority view of your people?

Mr. TOOTOOSIS: That is the next question. As far as I know in my travels this winter when we started organizing meetings of the Saskatchewan Indian and I have been on a number of reserves in Saskatchewan and other places, and I have been to a number of meetings, the people were all quite agreeable.

Mr. REID: Irrespective of what church they belong to?

Mr. TOOTOOSIS: Yes, they agreed, to those parts especially which I translated into Cree for those who could not read and for those who could read themselves I left the material to read and to study and they were quite satisfied and it is only after the interference started that it has not been so.

Mr. HARKNESS: I would like to say something in connection with this brief. In reading the brief over last night I had the feeling that it was something very, very familiar to me and that I had read it before. Finally, on page 31a I came to a place which said,

Steps be taken to secure for Treaty Indians additional trap lines where they desire such lines. This is especially necessary in the reserve of the Saddle Lake agency, and Hobbema agency in Alberta.

Then I got out the Alberta brief and I found in the Alberta brief that it read the same, word for word with the exception of one or two places. My question is, did you get together with the Alberta people to make this brief or did you take their brief and have it adopted by your people? What is the explanation?

of that fact? I think every member of the committee will find that the two briefs are exactly the same. Here is 31a in the Alberta brief and page 31a in the Saskatchewan brief and nearly every other page is the same. The only difference that I can see is that you people early on, on the first page or two of the brief recommend a payment, I think it is one thousand dollars. On page 9, you recommend a chief should be paid \$1,000 per annum and councillors \$500 per annum. The Alberta brief recommends \$150 for the chief and \$100 for the councillors. Except for that one very small point they are the same briefs.

Mr. DREAYER: We have been trying to stress the point that we need education. Therefore when we were asked to draw up these briefs we realized we did not have the education to draw up a brief. We had to have the advice of someone that could put our wishes in proper English so that it could be understood by this committee. We were guided by the drafts that had been made. These briefs were made on the basis of our meetings. We had, in the old days, meetings with Alberta Indians and Indians from Manitoba and so on. I would say that Mr. Tootoosis brought out the fact that at one time he brought a whole sheet of grievances to Ottawa. Well, these grievances and so on are all brought to the particular meetings we had and this is what was worked out.

Mr. HARKNESS: What you did do then was to take the Alberta brief and get it adopted by your association?

Mr. DREAYER: No, we had a brief that had been prepared in Saskatchewan by the protective association and most of our brief was based on it.

Mr. HARKNESS: Well, this brief actually deals with Alberta. There are one or two other places where it states the conditions which exist in Alberta.

Mr. TOOTOOSIS: May I answer. The thing is that today we have Indian agents who are all under the same Indian administration as we are. If I make a brief and Alberta makes one we have the same trouble. We have the same agents, the same instructors, so how can it be any different? It is all the same.

Mr. HARKNESS: I am not objecting to it being the same, I just asked what the procedure was, whether you had taken the Alberta brief and had it adopted.

Mr. GARIEPY: Which one was made first?

Mr. HARKNESS: It appears that this was the Alberta brief because in several places it mentions Alberta conditions. I do not see any place where it mentions Saskatchewan conditions except in the appendix and I think it would be well to clear the point up.

Mr. CASTLEDEN: I think it is a very good point to clear in view of what happened yesterday.

Mr. GAMBLER: I might try to clear up the situation. When I was vice-president of the protective association we had turned out a brief for our organization which we submitted to Mr. Glen the year I was here. To make it short, the brief of the Saskatchewan union has been born out of the protective association brief, or at least the idea was. That might satisfy the question, and the Alberta Indians adopted our association. And I am proud to say that the lawyer that drafted this out complimented me for the work that I did and the work that I had put into this in the past years.

Mr. FARQUHAR: Mr. Chairman, I would just like to say I can see nothing irregular about this. If the Indians in all the various provinces in the Dominion of Canada decided upon one brief what would be wrong about that?

Mr. HARKNESS: Mr. Farquhar, I was not suggesting that there was anything wrong with this, I was merely asking how it came about and what the situation was in the matter. There is no question about any irregularity and it is a good brief.

Mr. GARIEPY: I think this committee is entitled to know where these briefs do originate. Here are individuals living on reserves who come here boasting

of speaking for all Indians, one group, one reserve, one province, and this and that, and laying down grievances by the hundred pages, and we should know where that comes from and what it all means.

Mr. FARQUHAR: If any Indians came to me and asked me to assist in preparing a brief I would feel quite free to do so as long as I was giving the view of the Indians. I do not see anything wrong with that. The Indians have not got the education to prepare a brief and I can see nothing wrong with them going to anyone for assistance.

Mr. HARKNESS: Well, Mr. Chairman, the question has been answered and I am quite satisfied. I would rather go on with some other questions.

Mr. MATTHEWS: What was the answer, Mr. Harkness? Which came first, Alberta or Saskatchewan?

The CHAIRMAN: I would say that we have a letter from the secretary treasurer of the Union of Saskatchewan Indians dated July 22, 1946 in which she says they "hoped by now to be able to send you a copy of our draft brief, however, Doctor Shumiatcher, who is preparing the brief for us, thinks the draft will be ready within the coming week". That was in 1946.

Mr. CASTLEDEN: I rise to a point of privilege. This matter was brought up yesterday with regard to what the Indians of Saskatchewan have done in presenting a brief from the protective association. As Chief Gambler pointed out, and I think we ought to have on the record, it is well known that several meetings were held with the Indians in Saskatchewan. In preparing their brief and presenting their case, they had the assistance of and consultations with the Alberta group. They found they had so many things in common, that they agreed to work together on their brief.

Mr. REID: That would be natural.

Mr. CASTLEDEN: Quite natural. It was an Indian brief and I think it was felt that the Indians had prepared this themselves. I do not want the impression to go out that some Doctor Shumiatcher in Regina had prepared this brief. It was made very clear yesterday that he assisted in having it printed. The preparation of this brief has been the work of years and years by the Indians of Alberta and Saskatchewan. As Mr. Laurie said when he was here, he had been working for about fifteen years with the Indians in that province, and he confirmed that fact.

Mr. HARKNESS: My next question is in connection with Indian veterans. On page 28 of the brief, the first part of the statement does not matter, but the next part reads as follows:—

This means, in effect, that they should enjoy equal benefits under the provisions of the Veterans' Land Act, and under the law relating to the payment of war service gratuities, the provision of educational and vocational grants, and employment preference, both in private industry and in the civil service.

My question is this, do you know of any cases in which Indian veterans have not received the same treatment in the payment of war service gratuities and the provision of educational and vocational grants, and in employment preference? I do not care who answers that question, but if any of you know of any definite instances of that type, I think the committee should know about them because I, for one, would desire to see that corrected.

Mr. DREAVER: I know of a case on that new reserve north of Prince Albert the Little Red River, there are six Indian veterans there who have applied for rehabilitation under this grant. So far, they have had no answer to the application. They do not know whether their applications have been turned down or whether they are going to be paid.

Mr. HARKNESS: That is under the Veterans' Land Act?

Mr. DREAYER: Under the Veterans' Land Act. I was supposed to have more information on that, but I have not got it, so I would rather not continue with it. However, that is one particular case.

Mr. LICKERS: If I may just say something in that connection, I forgot to bring a newspaper here in which there was an article, I think it was the *Toronto Evening Telegram*, quoting the native paper of B.C. The article stated that, apparently, a veteran out there had applied for a reestablishment credit for the purpose of buying farm machinery. It mentioned the fact he could not buy anything with a motor in it and he made some very pertinent remarks in connection with it. Apparently, in British Columbia, they are not in the same position.

Mr. HARKNESS: So far as you fellows are concerned, do you know of any other specific cases, or any specific cases, particularly in so far as the War Services Gratuities are concerned? Personally, I have never heard of one. I wondered if you had heard of any cases. If there are none, of course, it should not be in the brief.

Mr. TOOTOOSIS: The purpose in having it in the brief is, there are a lot of our returned men who have not got that grant because we opposed the allotting of land to our men in many of the reserves in Saskatchewan. We want to have that abolished.

Mr. HARKNESS: Mr. Tootoosis, the Veterans' Land Act has nothing whatever to do with the war services gratuities or the provision of educational grants or employment preference. There is no relation whatever to the Veterans' Land Act. I am going to say something about the Veterans' Land Act presently, but so far as the war services gratuities, the provisional educational grants and employment preferences are concerned, are there any cases, to your knowledge, in which there has been any discrimination or any refusal?

Mr. TOOTOOSIS: Not offhand, but a lot of them are unemployed.

Mr. HARKNESS: That, again, has nothing to do with the gratuities or the educational grant.

Mr. TOOTOOSIS: I am talking about the preference there.

Mr. HARKNESS: You do not know of any cases, that is what it amounts to. Having been a member of the Veterans Affairs Committee which met during the last two sessions, I made it particularly my business in that committee to see that the Indians were placed in as favourable a position as any other veteran, and, if there are any cases in which the Indians have been discriminated against, I should like to know of them and have them corrected. It is for this reason I asked the question. If there are none, I suggest that should not be in the brief because it is a reflection on the Veterans Affairs administration which is an unfair reflection.

Mr. DREAYER: It was desired to bring up this point, the white veteran has up to \$6,000 on which to work, whereas the Indian veteran who wants to settle on his own reserve only has a grant of \$2,320. We are pleased to have a grant. We need it, but we do not think it is sufficient to rehabilitate an Indian veteran. Where the Indian veteran requires a full line of machinery in order to compete with the ordinary farmer in whatever district he may be, he needs more than \$2,320. This is especially true where he requires a building and water supply of some kind as well as farm equipment. \$2,320 does not nearly cover it.

Mr. HARKNESS: I agree with you, it is not sufficient, but so that you and the other Indians will not be under any misapprehension that you are being discriminated against in the matter, I should like to say this: in the Veterans Affairs Committee, we put through exactly the same provision for the white

returned soldier who settled on provincial lands. The white man who settles on provincial lands gets exactly the same amount, \$2,320, so there is no discrimination against the Indian.

Hon. Mr. HORNER: Does he not get any additional land?

Mr. HARKNESS: No, he gets the same amount, \$2,320. I merely want to make it clear to you there is no discrimination against the Indian. The same thing applies to the white man if he does not have to pay for his land.

Mr. DREAYER: May I say a word in this connection: I should like to thank you for this information. It bears out what I said yesterday. The Indian should be enlightened. The Indians do not know these things. If we knew what provisions were being made for us, the things to which we are entitled, you would not have so much of this sort of complaint. We are in the dark. We have a bunch of veterans on all reserves. I went to the office to secure some information for them and the clerk was not able to furnish me with the information I desired with regard to returned men because he did not know the policy of the government.

Mr. MacNICOL: You went to what office?

Chief DREAYER: To the Indian office at the agency. The clerk there was not able to give me the information I wanted.

Mr. HARKNESS: Now, Chief Gambler, this morning you said you had refused, you and your council refused to approve certain Indian veterans on your reserve being set up with this grant because you thought it would mean the reserve would eventually lose that land; is that correct?

Mr. GAMBLER: That is correct, sir.

Mr. HARKNESS: I think that is a matter which should be explained also because as I understand the thing there is no idea of that in mind whatever. The land of the reserve would still remain the land of the reserve. The idea of the Indian veteran being given a location ticket or something of that sort was really for his protection, to protect that grant of \$2,320 and keep it in his name or that of his heirs. It would not become common property of the reserve. In other words, that particular advantage was given to the veteran because he fought for the country and should be preserved to him; personally I think that you and your band made a very unwise decision—that is my personal opinion—because I think you cut out your own veterans from getting the advantage of that grant through a misapprehension on your part that you would lose the land.

Mr. GAMBLER: What I was afraid of were sections 21, 22 and 23 of the Indian Act. As I said this morning, I do not profess to understand these laws but I faintly saw that I think that once he is located on his land that he would not be entitled to common ownership of the rest of the reserve. That is what I was afraid of. Let me illustrate it this way. We allocate his land and give him a title for it.

Mr. HARKNESS: Actually you do not give him a title, as I understand it. The reason that \$2,320 grant was put through in lieu of the \$6,000 loan, as far as Indians were concerned, was for the very fact that the Indian could not get title to his land, and that is why in the Veterans Affairs Committee we put that provision in; and if there is any misapprehension over it I think the department should certainly get the matter cleared up, Mr. Chairman. In fact, I suggest the department should make known to all Indian bands what the exact situation is, and if the chief's apprehension is correct then we should do something to meet that situation so it could not arise that the land would cease to be part of the reserve.

The CHAIRMAN: Probably Mr. Patrick of the Indian Affairs branch could explain that.

MR. HOEY: Mr. Chairman, may I say when this legislation was passed I was deeply interested in the law relating to the rehabilitation of the Indian veteran, and I asked the minister for the privilege of selecting a man who himself had served in two wars, and when the minister extended that right to me I called that man into my office and I said, "This is one branch of the service that I would like to see detached from red tape; and in addition to that I want you to put some heart and warmth into your work. These people have gone out and fought in defence of this country and I want you to do everything humanly possible to assist them. I want you to go out and meet them and talk to them. I want you to get them together in groups and discuss this matter with them."

Now, with that object in mind I sent Major Patrick, who is here, to Manitoba, Saskatchewan, Alberta and the Pacific coast and certain sections in Ontario and asked him not only to discuss the terms of the Veterans' Land Act, I asked him also to see that the Indians were getting the gratuities and other advantages to which they were entitled. Now, in addition to those visits, we have sent out circular after circular in the simplest possible language, and I would like to have an expression of opinion from the committee as to what I can do other than that with the limited staff at my disposal. If these Indian agents, whom Major Patrick met and with whom he discussed this matter, have not gone back to the reserves and discussed these matters with the Indians then Inspector Ostrander, in all fairness to me, should come here and tell us so. We do not want Indian agents in the service who are withholding information of any kind from these men; and after Major Patrick's conference it was the duty of each Indian agent to go back and discuss these matters with his Indians. Those were my instructions to Major Patrick. Unfortunately, I cannot go to each reserve in the Dominion of Canada and discuss these matters with the Indians personally. I would like to hear from Inspector Ostrander what steps have been taken in Saskatchewan to discuss these matters with this group of men to whom we are indebted and in whom we take a personal and human interest. This matter lies very close to my heart, and I want to know the facts about it. It is one branch of the service in which I am deeply interested and I think this committee has a right to know that the agents cannot push aside or ignore these men who have fought in defence of this country.

MR. HARKNESS: May I ask one question of Mr. Hoey? Is not Chief Gambler's idea of what would happen if these men were allowed to take these grants totally unfounded?

MR. HOEY: It is incorrect. The point I am interested in, and the point that has aroused me, is the withholding or withdrawing of information from these men—information to which they are entitled; that is what I want an expression of opinion on from Inspector Ostrander.

MR. HARKNESS: In other words, there has been breakdown somewhere—

MR. HOEY: There must be.

MR. HARKNESS: —that Chief Gambler has had the idea that he has. In other words, the true picture is not given to every Indian agency. I think this is an important matter if that is the case.

CHIEF GAMBLER: Mr. Chairman, I wish to thank Mr. Hoey for the statement he has made.

THE CHAIRMAN: Mr. Ostrander.

MR. OSTRANDER: Mr. Chairman, for the most part the Indians of the Saskatchewan inspectorate fully understood the conditions of the Veterans' Land Act. There were two points where they did not seem to fully understand it, and when Major Patrick held his conference in Regina and spoke to the Indian agent and had a thorough discussion with him. I asked him if he would make a trip himself in his limited time to these particular two reserves, and one of the

points visited was the agency from which Chief Gambler comes. The meeting was held there and every particular with regard to the Veterans' Land Act and all other matters in connection with veteran Indian affairs were thoroughly discussed by Major Patrick at that meeting. They had had Mr. Booth's opinion—he is the Indian agent—and on top of that they had Major Patrick's opinion. All the information we had up to that time was conveyed to them, and there have been probably two or three circulars since then that have been passed along. I do not know what more we could have done. Major Patrick is here and I am sure he will remember that this is one of the agencies that he visited himself.

Mr. HOEY: I think Major Patrick should explain the significance of the location ticket; what it means when a veteran takes up a quarter-section or whatever acreage it may be on a reserve.

The CHAIRMAN: Major Patrick.

Major PATRICK: Mr. Chairman and gentlemen, first I would like to say that there is a certain amount of confusion goes on about what a veteran is entitled to. They get mixed up in war services gratuities, re-establishment credits and Veterans' Land Act grants, all of which involve money. The educational side is a different thing because while that costs money you do not get the cash or the chattels. But these three things seem to be continuously confused in the minds not only of the Indians but of almost all veterans.

Now, you are entitled and you will get your war service gratuity no matter who you are; that is based on your service. I have got mine and you have got yours. You are also entitled to a re-establishment credit equal to your basic gratuity, which is a known figure. You may have the choice of that or the choice under the Veterans' Land Act, but you cannot have both. The uses to which you can put the re-establishment credit are much wider than those for which you can use the Veterans' Land Act grant or loan. Now, the Veterans' Land Act is a land Act. Its purpose is stated in the preamble to provide a measure of financial assistance. I should like to point out that this is only a measure of financial assistance to veterans on their performance of prescribed settlement conditions in order to permit their engaging in agricultural pursuits either as a full-time occupation or a part-time occupation coupled with some other employment. The first requisite is you must have land. There are two ways an Indian can get land. One basically is under section 21 of the Indian Act which says:—

No Indian shall be deemed to be lawfully in possession of any land in a reserve, unless he has been or is located for the same by the band, or council of the band, with the approval of the superintendent general; but no Indian shall be dispossessed of any land on which he has improvements, without receiving compensation for such improvements, at a valuation approved by the superintendent general, from the Indian who obtains the land, and so on.

He may buy it from another Indian who has possessed it for some time or if it is open land he may be granted it by the council or by the band.

All that the Veterans' Land Act does—and it is not a matter that the Indian Affairs Branch has anything whatever to do with—is to allocate in accordance with the provisions of the Indian Act a certain portion of land to the Indian veteran in order that he may cultivate it. Whether or not you deny him common use of the remainder of the land is your own business. I know it is not being done elsewhere. There are other places where a man is allotted a given portion and he has also range privileges.

Mr. BLACKMORE: May I ask a question there. You said "your own business." You mean the business of the council of the band?

Mr. PATRICK: Yes, excuse me, I have got away from addressing the chair and am talking to the Indians. In some cases they have given them range privileges on the common property of the band in addition to the particular location they have. It is the same thing with cutting timber and the other privileges that everyone enjoys.

As Mr. Ostrander and Mr. Hoey said I visited the four western provinces last summer.

Mr. BLACKMORE: May I ask one more question for clarification before you proceed? Am I correct in supposing that the council of the band could deny an Indian veteran the use of the common privileges?

Mr. PATRICK: That is correct. That is what is happening in this particular case and in a few others. As I said I visited Winnipeg, Regina, Calgary and Vancouver. We held conferences of the Indian agents at all of these points lasting from two to four days. The agents were all there, and in Saskatchewan practically all the farming instructors were there, too. In addition to any information that had been given them by mail I addressed them and tried to outline to them the provisions of the Veterans' Land Act in particular, and the other benefits that a veteran may enjoy in general. Then we followed that with a question and answer period. Every endeavour was made to clear up any misapprehension or to enlighten any agent or anyone who was there as to what could be done.

I also invited the agents at the meetings to tell me if there were any reserves or agencies that they would wish me to visit on my return journey so that I could speak to the Indians individually or collectively. We arranged several visits in all four provinces, and among them was the visit to Qu'Appelle, Crooked Lake in Saskatchewan. We called a meeting at the agency at Qu'Appelle. Chief John Gambler was there. I should think there were between 40 and 50 Indians there. I spoke to them for a considerable length of time. Then we had a discussion, and I came away feeling I had not made a great deal of headway.

Mr. MACNICOL: Why were you of that opinion?

Mr. PATRICK: Because there seemed to be a certain amount of fear on the part of the Indians that we were going to take their land away from them. Any Indian knows you cannot remove an acre of land from an Indian reserve without a surrender approved by the whole band and the Governor General in Council. If he does not, he should.

I had a private conversation with Chief Gambler for about half an hour or so. We discussed the conveyance that the band council would give for the land. He was not satisfied with the one he had. I told him to draw one up he would like and send it to me and see what I thought of it. You have Chief Dreaver here. He belongs to the Mistawasis. He has a Veterans' Land Act grant. Up to date he has expended \$1,002 of it, and he has a balance of \$818 which he can get if he needs it when he wants to apply for it. His council, on the other hand, do not seem to be troubled with this. I have got their resolution here.

We the undersigned chief and councillors of the Mistawasis band of Indians owning the reserve situated at Leask in the Carlton agency in the province of Saskatchewan at a council meeting summoned for the purpose, and according to the rules of the band, and held on the said reserve this 11th day of February, 1946, in the presence of the Indian agent for the said reserve representing thereat the Minister of Mines and Resources for the Dominion of Canada do hereby for ourselves and on behalf of the Indian owners of the said reserve request the following lands hereunder described be allotted to the members of our band who served

in His Majesty's forces during the second great war, to be improved and held by them for the purpose of making thereon a living for themselves and their families.

A quarter section is allotted to Samuel Dreaver, Joseph Dreaver, Joseph Sanderson, George Dreaver and William Badger. Based on that title these five Indians have obtained their grants.

Chief DREAYER: A half section, in all.

Mr. PATRICK: Yes, a half section.

Mr. BRYCE: May I ask a question? You have mentioned that there is approximately \$800 to come to this chief. Who is handling that, you or the agent?

Mr. PATRICK: It does not exist yet.

Mr. BRYCE: And if he applies for it—

Mr. PATRICK: You can get—

Mr. BRYCE: Wait a minute until I ask my question. You said he can get that any time he likes. Does he apply to you, to the settlement board, or does he apply to the chief and his chief apply to the inspector and the inspector apply to you?

Mr. PATRICK: He may get the \$2,320 or any amount up to that. My written instructions were that if you can foresee the full plan, apply for the full plan if that is necessary; if you could not anticipate everything that was wanted, put in what you could see and let's get going; and so this application was filed in the amount of \$1,500 and the funds have been made available and have been expended to buy materials and there is a balance of \$818 for which Chief Dreaver may go to the agent at any time and file a supplementary application and it will come back to me for approval after the Minister of Mines and Resources gives the Veterans Land Act authority to allot this land and the loan is made.

Mr. BRYCE: That is about five different people who have to handle it before it gets to you.

Mr. PATRICK: Yes.

Mr. REID: Is that a straight grant?

Mr. PATRICK: It is a straight grant.

Mr. BLACKMORE: What is the security which guarantees that \$2,300 loan?

Mr. PATRICK: There is no security.

The CHAIRMAN: I am afraid we are getting away from the subject matter before the committee. Mr. Patrick was before us and if you will return to your committee report—for instance, Mr. Blackmore, if you will refer to page 258 of the 1947 report you will see the answer to your question. I think what we wanted Mr. Patrick to do was to clear up this one particular point which is now before the committee.

Mr. HARKNESS: Mr. Chairman, I am sorry to have precipitated such a long discussion but I would just like to end it by suggesting that the Indian Affairs branch take measures to alleviate this apparent misapprehension which exists among the Indians on certain reserves.

The CHAIRMAN: I think Mr. Patrick is trying to do that at the present time.

Mr. HARKNESS: I think the effort should have been continued, particularly on reserves where that feeling still exists more educational work should be done.

Mr. BLACKMORE: I wonder if we could have Mr. Patrick before us at some other time so as to give him a chance to answer the points that have been raised.

The CHAIRMAN: I think we could. We only have from now until six o'clock and I think we should confine ourselves to matters of direct interest to the delegation before us. We could have Mr. Patrick back here and question him at any later time. We wanted this one point cleared up. I think we should return our questioning now to the Saskatchewan delegation who are here, and let us keep to the point as much as possible.

Mr. CASTLEDEN: I would just like to refer to the point I made yesterday morning, an hour and ten minutes of time was taken up by some other official of the department yesterday morning because he was said to be leaving, he was supposed to be leaving, but he is still here today. We have now reached the question period and we have had two hours of questioning and only about four or five members have completed their questions.

The CHAIRMAN: You are taking up time now, Mr. Castleden.

Mr. CASTLEDEN: I know I am, Mr. Chairman. But there was over an hour left yesterday. I would suggest that the rest of the time today be allotted fairly among the members.

The CHAIRMAN: It is agreed then to allow each member five minutes or ten minutes?

Mr. CASE: I would suggest five minutes to each, then if there is time left to around again.

Mr. HARKNESS: On page 15, referring to this matter of education, where you say "restriction, discipline, exclusive use of English, etc."; do I understand you that that you advocate that in the schools there should be the use of your native language as well as English?

Chief GAMBLER: Mr. Chairman, may I ask a question of privilege before answering that question?

The CHAIRMAN: I beg your pardon?

Chief GAMBLER: Might I ask a question of privilege? I was to file a proposed declaration regarding these sales. When you come to discuss this matter he will not be here. There is a proposed declaration. I have made a note of that, and here is a statement, confirmed in minute No. 13, where it refers to sections 21, 22 and 23; and we have section 188 of the Indian Act where it says that they can expropriate these lands on the reserve for returned men. I am asking that so it can be considered.

Mr. CASTLEDEN: Very well.

Mr. HARKNESS: Will you answer the question I just asked?

Mr. TOOTOOSIS: I want to say a few words about veterans too because they are not going to be here again and it is very important to us.

Mr. HARKNESS: I think they should be allowed to say what they want to at that point.

Mr. BLACKMORE: I was just going to suggest that we should meet again tonight. This is a very important matter, obviously there are a number of points which have not been cleared up.

The CHAIRMAN: Then I think we had better go ahead with that as quickly as possible.

Mr. CASTLEDEN: Let them go ahead.

Mr. TOOTOOSIS: In the first place, I want to speak about the war veterans. When these people went to war they expected to have the same freedom when they came back as they had before they went, the same freedom as that for

which they fought. As it is, gentlemen, they went and helped you to fight your war, now why do you not as gentlemen help them to get the freedom that they are supposed to have now that the war is over? Why allot the soldier a piece of land? He owned that land before he went to war through common ownership with the rest of the band. According to the regulations of the Veterans' Land Act he has to have a piece of land allotted to him before he can get a grant. I have here a resolution sent to the minister and the reply from Mr. Glen. I am only going to read a part of it, but before I read it I want to tell you this; we Indians strongly oppose having our reserves subdivided, we want them to stay as a whole. Here is what the letter says:—

The department in requesting a resolution of the band or council is merely carrying out the provisions of section 21 of the Indian Act which states:—

No Indian shall be deemed to be lawfully in possession of any land in a reserve, unless he has been or is located for the same by the band, or council of the band, with the approval of the Superintendent General (Minister).

These reserves were set aside for the Indians so that there would not be any fighting over land. These gentlemen have stated here and Mr. Patrick has also stated that these veterans were to get this land so they could become established and so that there would be no interference with their property; also that they would not be driven out, or off the land, or the land be taken away. Well, it says here that if I surrender my land I will be compensated for all the improvements that I have made on it. That is the law. So it must be the same for the veteran no matter where he is allotted the land. He will be compensated if he is moved off that piece of land should it be required for other purposes; so, what is the difference.

I would like to submit this to the committee, let them abolish this allotment matter regarding Indian veterans. Here is what they get for sacrificing their lives for us, for fighting for the freedom which we still possess. The Indians were gentlemen to fight for the white men, so don't hand them land which they owned before they left to go to the war. I don't believe in pensioning him off after he has earned his freedom.

Mr. CASE: Do you think allotting the land prejudices his interests?

Mr. TOOTOOSIS: Yes.

Mr. CASE: Even if it is allotted in accordance with section 21?

Mr. TOOTOOSIS: That is purely an inference from section 21. The first thing you know the Indian department will place all our land in jeopardy. The point I am trying to make is this, that this Act is our protection. Let us see what happens. Suppose a veteran who gets land in this way is married and has five children. He dies. I asked Mr. Allen who came to one of our meetings there this question: Mr. Allen, you say that I will be allowed a quarter section, if I die can my children get the same land? He answered, no that land will have to be divided up to your children, divided into five. It will be the same with returned men, he will have just a piece of land which has been allotted to him and that is all his children will own. This piece of land which has been allotted to him. I firmly believe that this land of ours which is actually our personal property and which we have not surrendered to the Crown that we are the people who should decide whether we should allot it to any person or not.

Mr. GAMBLER: This is the proposed declaration I mentioned before:—

CANADA

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

OTTAWA

Indian Affairs Branch,
Dept. of Mines & Resources,
Ottawa, Ontario.

DEAR SIR: We the undersigned Chief and Councillors of the.....
.....Band of Indians hereby agree
to
and his heirs and successors forever being the permanent occupants of
the following described land of No.....Reserve.

.....Chief
.....Councillor
.....Councillor

This is a copy of a proposed declaration, whether this would be acceptable
to the Minister of Mines and Resources or whether it would be legal
would be for the department to decide.

It is difficult from the form in the Act.

Mr. TOOTOOSIS: We are the people to decide whether any person or one of
our men is entitled to that area. When they went to war they did that voluntarily
and I think the government should give this grant to our boys to settle
wherever they want to settle on any reserve and have the same freedom as
before they went to war.

Mr. HARKNESS: Well, I have not had an answer yet to this question on the
use of English as to whether you are advocating here that the Indian language
should be used in your schools as well as English.

Chief DREAYER: I think it is because of the restrictions. The idea there is
when they are in residential schools there are so many restrictions, they cannot
do this or that, and during the day a young child gets hungry and wants to
be able to get a piece of bread and as they have these restrictions they cannot
do anything. Consequently they learn on the sly. They are so hungry they
have to get that bread and in the schools where there are three or four different
languages spoken, such as Mr. Spence mentioned to-day, the children have to
converse with each other and where they are restricted from doing it they
have to do it on the sly. They learn to do all these things on the sly.

Mr. HARKNESS: What you are advocating is the children in school hours
should be allowed to talk their own language.

Chief DREAYER: Yes, without regards to restrictions. We have had cases in
these residential schools where a brother and sister are attending the same
school and they have to get permission from the principal in order to talk to
each other. They cannot go near each other. I do not think that tends to
give a home atmosphere in the schools.

Mr. TOOTOOSIS: May I say something more. I think in Canada, for Canada's
own defence we should keep the Indian language. For instance I am a Cree.
We have our own writing and it seems to me that is something that will come
in handy for Canada for its own defence. Our enemies do not understand that
language. I think if we keep it is an asset and we can help Canada in its defence
if the natives keep their language.

Mr. HARKNESS: As a straight answer to the question, do you advocate that the children be taught the English language in the school as well as their own?

Rev. Mr. SPENCE: May I answer that. I will illustrate it this way. And I hope it will clear up any difficulty. My idea is, and I might be fired for this but never mind, my idea is this. An Indian child needs to learn in English but not at all from a grammar. That is my idea.

Mr. CASE: From what.

Rev. Mr. SPENCE: From a grammar. You take these adverb clauses, and adjective clauses and adverb phrases and adjective phrases and all that kind of bunk, when you get up in the world you do not worry whether you are using the subjunctive mood or the indicative mood, you express yourself the way you can. Frankly, I tell you that it is my idea and up at the school where I am teaching in Little Pine, in the church I get up and preach in Cree and in English. In the school I cannot understand Cree at all which surprises my pupils. I will not talk to them in Cree because they are there to learn in English. I think it would be disadvantageous as far as the children are concerned to teach them in Cree in the day school. After all I am there to teach them basic English.

Mr. HARKNESS: In other words you believe the instruction as far as you are concerned, should be confined to English.

Rev. Mr. SPENCE: In the classroom, but at the same time I do not think that the child like anyone else, should be given the liberty of speaking his own language in order to express himself.

Mr. HARKNESS: I agree with that.

Rev. Mr. SPENCE: I do not punish a child for talking in Cree in the classroom. When they talk to me in their language I say to them, "You try to say that in English and I will try to help you out". I know it requires patience and it takes time.

Mr. CASE: In other words you recognize that the child's greatest opportunity is to learn to speak in English?

Rev. Mr. SPENCE: Yes, otherwise I would allow him to speak in his native tongue.

The CHAIRMAN: Order, order.

Mr. HARKNESS: I have several other questions but I will leave them for the time being in order that the other members may get on with their questions.

The CHAIRMAN: I would ask the members to try to be as brief as possible. Now, Mr. Blackmore, it is your turn.

Mr. BLACKMORE: Will you just let me know when the five minutes is up as I will not be watching the clock, I will be watching my questions. I am considerably interested in the point which Mr. Farquhar has raised many times, concerning whether the Indian should take his problems to his local member of parliament. I would ask this general question in a general way. Have any one of you ever approached your member of parliament concerning any one of your problems, or did you ever try to?

Mr. TOOTOOSIS: Yes, I have.

Mr. BLACKMORE: Can you tell me what your experience was?

Mr. TOOTOOSIS: I told my troubles but that is as far as I got. I never had any definite answer. The last time, when Mr. Max Campbell came to be member of parliament in Battleford I know that the Indians got their answers. But that is only lately. The trouble is some members will help, and I hope I do not insult any of them, but there is a lot of them do not think much of Indians, the same as anybody else. There is only a certain type who will try to help. I see it

many times in many places. I am in town and one day a white man does not look at me at all. Other times it is different and he will talk just as if I had known him before.

Mr. FARQUHAR: That is true amongst Englishmen too.

Mr. BLACKMORE: I think that answers pretty completely the general question which Mr. Farquhar has asked. Whether an Indian gets any satisfaction from his member depends on who that member is, and many members whom I have known have just ignored the Indian. I would like one or two more questions now. If you approached your member and your agent heard about it, how do you think the agent would feel about it?

Mr. TOOTOOSIS: I cannot answer exactly.

Mr. BLACKMORE: What do you think, using your own judgment?

Mr. TOOTOOSIS: My judgment is that I do not think he would like it. They want us to see the agent before we go to anybody else. I can tell you of one instance when R. B. Bennett came into power in the House and he spoke in the House in 1938 and he told a story about meeting a chief in Calgary. He said that as soon as he met the chief he started to talk about his treaties and he handed him a medal as big as a saucer. It is a medal like this. Well he was just making a joke out of the Indians. The Indian had rights and he had a right to take up his rights if he wanted them adjusted. This is the medal that was given to Chief Poundmaker.

The CHAIRMAN: Who was that?

Mr. TOOTOOSIS: Chief Poundmaker. It was given in 1886.

Mr. BLACKMORE: What did Mr. Bennett do?

Mr. TOOTOOSIS: That is all he said in the House, and it was written right in *Hansard*.

Mr. BLACKMORE: Did the Indian get any results.

Mr. TOOTOOSIS: I do not suppose so.

Mr. BLACKMORE: Neither do I.

Mr. TOOTOOSIS: Another thing. When you go to lawyers, I am a little bit out of your question, but this comes to about the same thing. We Indians find that some of these officials surely strongly object to having lawyers stand for Indians in any transaction.

Mr. BLACKMORE: You mean the agents?

Mr. TOOTOOSIS: The agents and the officials. They surely do not like when Indians go to lawyers and ask certain instructions on any deals or any big transactions that might be being made. I think we people have more need of lawyers than any other people in Canada.

Mr. CASE: Do not have too much to do with lawyers. Oh, I did not notice that the regular chairman was not sitting.

Mr. BLACKMORE: May I ask just one more question while we are on this general matter. If the agent took a dislike to any Indian for going to his member of parliament, could the Indian agent hurt that Indian on the reserve?

Mr. TOOTOOSIS: It might if that happened, if something were taken to the House of Commons it would hurt the Indian because that is where the Indian gets his redress.

Mr. BLACKMORE: That is, the Indian would have cause for being afraid of what the Indian agent might do to him, so it would take a rather courageous Indian to go to his member, is that right?

Mr. TOOTOOSIS: Some, maybe, I guess.

Mr. FARQUHAR: I should like to say a word on a question of privilege.

Mr. BLACKMORE: Take this off my time.

The CHAIRMAN: The time is limited.

Mr. FARQUHAR: Are we not coming back tonight?

The CHAIRMAN: That depends on the wish of the committee.

Mr. BLACKMORE: Would you say any considerable portion of the Indians of whom you know still love their own, ancient religion before Christianity came and still desire to cultivate it and adhere to it and probably have it taught to their children?

Mr. TOOTOOSIS: Oh, yes, there are certain people who still believe in their Indian beliefs. They are strong for it because that is the way they have been brought up. They want to stay with it.

Mr. BLACKMORE: Would it be your impression that their religion is a fairly good religion in many ways? It teaches them nobility and manhood?

Mr. TOOTOOSIS: Yes, and a lot of people still believe in the old Indian beliefs. They are very strong for it, as that is the way they were brought up.

Mr. BLACKMORE: I asked you if they believe it is a good religion?

Mr. TOOTOOSIS: Yes, because I believe a religion is good for any person if it makes him honest.

Mr. BLACKMORE: I am doubly interested in this question because there are two proposals, in the main, with regard to the education of the Indian in the future. The first one is to build up, in Ottawa, an educational department for the Indians under the Indian department, establish a curriculum for the schools all over Canada to be operated by the federal department and have federal inspectors. The other suggestion is to set up a provincial system of education, adopt the provincial curriculum and have provincial inspectors. Which would you prefer, or which do you think would be better?

Mr. TOOTOOSIS: I would prefer the dominion government in this regard. In our first treaty the dominion government is our trustee. I can give you one illustration on this point. In the province of Saskatchewan the natural resources were turned over to the CCF government—this is true not only of the CCF government but of all provincial governments. In Saskatchewan, the Indians are dissatisfied with the control of natural resources especially regarding hunting, trapping and fishing. I am illustrating one case. On my reserve, I am supposed to be free to kill anything that comes to be used for food for our own sustenance. If I kill a muskrat on my reserve, I have to get a licence before I can sell that fur. It is my right. Besides, I have free trapping and free hunting. It says so in the treaty. You are all well acquainted with treaties, what I have been promised. I think the provincial government is stepping over my rights which have been promised to me for surrendering my country to the white man. There is one case, and the reason why I would prefer the dominion government is that that government has been entrusted with my welfare in the treaties so long as we need treaties.

The CHAIRMAN: Your time is up, Mr. Blackmore.

Mr. BLACKMORE: I agree to stop.

The CHAIRMAN: Mrs. Fallis?

Hon. Mrs. FALLIS: Mr. Chairman, I am sorry I was unavoidably absent from the session this morning. I had some questions ready to ask this morning concerning the education system. I was going to ask Reverend Mr. Spence some questions in that regard. Mr. MacNicol and Mr. Reid asked questions before me and they covered much of what I meant to say. I have just one observation to make. I quite agree with the point which has been established that the Indians should have the right to decide to which school they shall send

their children, that is, on the question of denominational schools. It has been stated during the discussions here, or, at least, there has been some suggestion made that it would be better if none of the schools were under the control of any religious denomination. I should like to ask Mr. Spence a question. He said this morning he owed his university education to the Anglican church. I think we will all agree he made a marvellous witness and he must be doing a grand work in the position he occupies in life. I should like to ask him if he feels he could have had that education and be doing the work he is doing today had it not been for the church? Would you have had that opportunity?

REV. MR. SPENCE: What is at the bottom of all this discussion so far as the Indian department and the various religious denominations are concerned? What is at the bottom of the whole thing? It is a question of finances. The Indian department is not allotted enough money to carry out the task which it is expected to do.

HON. MRS. FALLIS: And the church often gives assistance?

REV. MR. SPENCE: Yes, it has, but in recent years—I think when an Indian pupil, in my case, I do have to thank the Anglican church for putting me through university at Emmanuel College, a theological college. I will tell you why I said that. Mr. Neary and Mr. Hoey know about this case. I am only sorry I have not brought this illustration before you. It seems as if I am talking about myself all the time. I do not want that. It is good publicity, I know, but I am not here to get publicity. I am here to give information to the best of my ability.

I had occasion, when I wrote, I think it was to Mr. Neary, and I complained about the fact—of course, I was not acquainted with the financial circumstances of the Indian department or the various expenses which they have in order to do their job properly. I had occasion to try and get some financial assistance to complete my arts degree. I guess my letters were rather rude at times, but I wanted the funds; and I complained of the fact that as an Indian not one cent was contributed by the Indian department towards my university education. That was my complaint, and ever since I left high school, when I got my fourth year, or grade XII as we call it in Saskatchewan, from there on all financial assistance as far as the Indian department was concerned was absolutely nil. I made that point to the Indian Affairs officials and I wrote them about it. So, like all young men I had an opportunity and I wish I had taken it. I could have had my arts degree from the same source of financial assistance if I had not been so foolish. You know how it is. When you get into college you want to get your degree, you want to get through as quickly as you can and get married and raise children. I found out I had made that mistake and I have been sorry for it. I had some arts letters to get my degree so after I was out of college and after I was married my wife drove some common sense into me. She said, "Why don't you work on your degree; why don't you try to get your B.A.?" I said, "You know it takes money to go through university," but I said, "I will just prove to you that I can do work when I want to." So, extramurally I got four classes at my own expense, without any financial help from outside sources whatsoever. I got four of my classes in that manner. That money came out of my own pocket. It was not the church that was supplying the money. All my books and everything were bought out of my own pocket. The regulations of the University of Saskatchewan are that you can only take five arts extramurally, the rest of your B.A. you have got to take either by attending the summer session or going into the university itself, which, of course, is a fair regulation. So, I write the Indian department and I told them I had two classes left which I wanted to complete for my B.A. and I asked if they would finance me for two years. Well, they said they would give me \$150, which they did. Of course, I still have another summer to go, but that has to come out of some other source. So when I made the statement this morning that I have the

church to thank for my education, I had that in mind; but I might add that I have also to thank the Indian department for the sum of \$150, which they gave me toward my university education. Does that answer your question?

Hon. Mrs. FALLIS: I just wanted to establish the fact that the churches had played a part in helping in the education of the Indians. Incidentally, Mr. Chairman, I am not putting in a plug for the Anglican Church because I am not a member of that church; it is because there has been so much discussion on that point that I brought up. I have no further questions. I would like to say as one who was formerly a school teacher speaking to another school teacher that I think we should be very proud of the work the Rev. Mr. Spence is doing. He is an example to others.

Hon. Mr. HORNER: I would like to ask a question of Chief Dreaver. There used to be some years ago some splendid herds of cattle on that reserve and today I notice that there are few cattle left. I would like him to tell me what is the reason for the shortage of cattle on the reserve.

Chief DREAYER: I would say that the Indians have sort of lost interest in the raising of cattle.

Hon. Mr. HORNER: Despite the fact that your reserve is well suited for the raising of cattle? In fact you take in cattle from outside to graze on your land.

Chief DREAYER: Yes, quite right. But in talking to the Indians on my reserve and other reserves surrounding I have found that they seem to be under the impression that when they are raising cattle they are raising them for the Department of Indian Affairs. There is the feeling there that they have no proper control or full control of their cattle and it is working that way; we are not raising cattle.

Mr. LICKERS: Is that because of the permit system?

Chief DREAYER: Yes, because of the permit system. That is correct.

Hon. Mr. HORNER: Because at any rate at a certain time of the year the department says they must be sold?

Chief DREAYER: Quite right. They have not got the privilege of selling the cattle when they need the money. They have to wait for the Department of Indian Affairs to say when they should sell them. I can see the point; they want to protect the Indian to see that he gets full value for his cattle; but, on the other hand, these rules and regulations are made in Ottawa and the man in the field, I think, should have more authority if they are going to have the permit system. Personally, I do not like the permit system.

Mr. BLACKMORE: You would have the agent have more authority?

Chief DREAYER: Yes. The agent is the man in the field and he knows the conditions in the field. Why should our Indian affairs be run from Ottawa? Conditions are different. Each farmer has to labour under different conditions. The policies laid down here are the ones that are governing the agents and at times the agent has more than he can handle now that the Veterans' Land Act has been put on him. He has more than enough to handle.

Mr. FARQUHAR: That is just a departmental regulation; that is not part of the Act.

Chief DREAYER: We cannot sell any cattle without a permit.

Mr. FARQUHAR: They do not do that in Ontario.

Mr. CASTLEDEN: It is just in the west that it is done.

Hon. Mr. HORNER: You would recommend that there be greater freedom and greater encouragement to the Indians who keep cattle; that they do as they like with their cattle?

Chief DREAYER: Mind you, gentlemen, I am just giving my personal opinions; I am not speaking for the Indians that we represent when I make that answer. I would like that put on the record. I believe it would be a good thing if the Indians were allowed to sell anything that they raise. That is individual property. They should have the privilege of selling without having to go to the farm inspector or anybody else for farm permits, and I believe that should that happen I know a lot of Indians who would sell practically everything they have, but it would be a good thing for them because they would be standing on a sounder foundation than now. The permit system gives them the idea that they are being held down and are working for somebody else. If you did away with that I believe that the Indian would soon find out what he can do for his own good; he is not beating anybody when he bootlegs his cattle.

Hon. Mr. HORNER: What about the sale of wood and firewood?

Chief DREAYER: Before the Indian can sell any wood or anything else off the reserve he has to have a permit—even dead wood. Take pickets, for instance, willow pickets. If you do not destroy the root you can cut a few and they grow up just that much faster, but you have to get a permit to sell those pickets, and they are collecting dues.

Hon. Mr. HORNER: How much a post do they collect?

Chief DREAYER: I have been away from the reserve so long I really do not know what the dues are. By the way, I might say I have taken up that matter of dues with the Indian agent, the local agent, and the inspector. They gave me the impression they would like to see it done away with because there is so little derived from it it was not worth bothering about.

Hon. Mr. STIRLING: I have one question. Am I right in understanding that in the view of these witnesses it would be a good thing for the Department of Indian Affairs to have total control of education, and if sufficient money is not available for that purpose then they would be ready to continue with the assistance of the various denominations?

Chief DREAYER: I believe that what the Indians in Saskatchewan want is control by the government, not by the churches. We made our treaties with the government and we think that they should control the schools.

Mr. CASE: And make sufficient moneys available?

Chief DREAYER: Yes.

Mr. CASTLEDEN: And the treaties promised you education?

Chief DREAYER: Yes.

Mr. CASTLEDEN: By the government.

Chief DREAYER: We are not barring any church or anybody else from helping to educate the Indians, but we think it should be controlled by the government.

Mr. CASE: At page 53 of your brief I notice you are opposed to the expropriation of land for school purposes. You speak of putting yourself in the same position as the whites. Land can be expropriated from ourselves for school purposes. That is not a very serious objection, is it, if it is expropriated for school purposes, and it says in the Act you shall be compensated for it.

Chief DREAYER: I believe the point is that some of the residential schools in the west, as you know, have quite large areas of land they cultivate, and so on.

Mr. CASE: Too much land?

Chief DREAYER: They cultivate maybe a section of land, large areas. What we are afraid of is if that is allowed to go on they may take a piece of land from a reserve where the population has increased, and they will be short of land. The school might take two or three sections and it would make it that much harder for the Indians.

Mr. CASE: It is the amount of land to which you are objecting. You would not mind a small plot for a school?

Chief DREAVAR: We do not want to lose title to our lands.

Mr. CASE: At page 56 you have complained about the disability of Indians not being able to homestead. Do you feel an Indian should be able to homestead without becoming a full-fledged citizen?

Chief GAMBLER: That does not happen particularly in southern Saskatchewan. That happens in the northern part of the province. In the northern part of Saskatchewan we have Indians who go away up into the remote parts of the north and blaze trails. They occupy certain Crown lands. When the white man comes in that land is actually taken away from the Indian. Why not give Indians the privilege of the right to homestead on that?

Mr. CASE: Even though he is off the reserve?

Chief GAMBLER: Even if it is off the reserve, and that does not necessarily mean he should be enfranchised if he occupies a piece of land.

Mr. CASE: Of course, then you would be breaking the treaty that the whites are breaking.

Chief GAMBLER: Yes.

Mr. CASE: That is the point, at any rate. I have one or two more brief questions. Have you an annual membership fee for your organization?

Mo. TOOTOOSIS: One dollar a year.

Mr. CASE: Can you tell me how many members you have?

Chief DREAVAR: Paid up members?

Mr. CASE: Members in good standing.

Chief DREAVAR: We have only collected 456 membership fees this year, but they are scattered all over the province. I may say the whole thing is, as I pointed out yesterday, that with the economic conditions of the people they are not able to get that dollar. They would like to join the organization but they have not got that dollar.

Mr. TOOTOOSIS: May I answer that? In travelling around Saskatchewan in every place I have been the people were agreeable to the Union of Saskatchewan Indians. I will tell you about one reserve in northern Saskatchewan, Union Lake. When I went there the people told me to send out 200 tickets, "We are going to join the Union." That was pretty close to our last convention. There are a lot of people ready to join but they do not have the money to join right off. That is the reason.

Mr. CASE: I think you have a pretty good membership, if I know anything about getting members. I have one more question. I notice in your brief you are quite complimentary to Premier Douglas and Mr. Castleden. I know you mean that quite sincerely. My question is did Mr. Douglas, the Premier of Saskatchewan, and Mr. Castleden give you in any sense leadership in forming this organization? Did they assist you or encourage you to get together?

Chief DREAVAR: May I answer that? While in the army I wrote personal letters to Premier Douglas. At that time there were three different organizations in the province. I personally wrote to him asking him for his assistance because of the fact that if I had asked the executive of the other organizations to attend a meeting where I was going to unite them they would have thought I was trying to submerge them in my organization. If Mr. Tootoosis had called the meeting we would have been afraid to attend his meeting for fear we would be submerged.

Mr. CASE: That is a good answer.

Chief DREAVAR: We had to get outside assistance, a man who had been an honorary chief of the tribe and ask him personally to assist us. He was kind enough to give us assistance.

Mr. CASTLEDEN: He had been made a chief.

Chief DREAVAR: Of the Assiniboine tribe.

Mr. MATTHEWS: With regard to homesteading is it your thought that an applicant for a homestead would be subject to the usual restrictions or provisions, cropping so much a year, and so on?

Chief DREAVAR: Definitely; a man who is prepared to go out and homestead away from the reserve should be prepared to assume the responsibilities the same as any other man without impairing his rights in a reserve.

Mr. MATTHEWS: I have one other question having to do with a matter on page 15 with which I am not quite satisfied. There was some criticism, and it is mild and gentlemanly, and I am not criticising the criticism, but I want to ask this. In view of what is said here is the thought in the back of your minds that residential schools should be discontinued? I want to clear up that point.

Chief DREAVAR: No, definitely not. There is need for them yet.

Mr. MATTHEWS: I have one other observation I want to make. It is not a question. As I see it these men are confused with regard to the Veterans Land Act provisions. You are confused; I am confused; many more of us are confused. These reports of our meetings are going out. Personally I sent out eight or ten to men and women whom I know are very much interested in Indian matters, and I expect every other member of the committee is doing the same thing. You read these confused expressions and opinions. I want to suggest that the department through one of their own officials or through someone else submit a brief in very plain language, keeping it free from a lot of legal ambiguities and making it such that the layman can read and understand it. I think they should submit that brief and have it embodied in the records.

Mr. BLACKMORE: May I suggest one more thing, that they make the brief binding on the department so the Indians will know it is a guarantee that any irregularities such as these men fear will not take place.

Mr. MATTHEWS: That is a good idea. I should like to suggest that I think it is due to the public and due to all of us to have that done.

Chief DREAVAR: May I make a suggestion with regard to the veterans on Indian reserves. As I pointed out before the agents, especially in our area, are overworked. They have more than one man can do. Therefore I would like to make a suggestion that someone be appointed as an agent who would look after veterans affairs only. He would not have any agency to look after but only veterans affairs in Saskatchewan, and I would suggest that he have a proper staff so that all these misunderstandings would be cleared up. There should be one man right in Saskatchewan, not here in Ottawa, a man whom we could see when we wanted to.

Hon. Mr. HORNER: There ought to be one man for that province?

Chief DREAVAR: Yes, so he could go around from agency to agency just on that work. I think that is a full-time job.

Mr. GARIEPY: I have just one word. I am much impressed by the representations made by these four gentlemen. I think they are entitled to praise. In regard to section 10 of the Act, subsection (2) which refers to attendance at school, rather than question these witnesses I will choose, if I may, to adopt the same course of action that Mr. Matthews did in regard to the Veterans Land Act. If I am supported in this motion could we get a statement of the legal effect of the subsection I have just mentioned from an official of the

department? That is point No. 1. No. 2 is as to how it has worked out. It may become very important for us to know exactly what it means and what has been the effect in the past.

I had intended to cross-examine the witnesses on this matter, but they would just give me a few instances in regard to their personal experience which would not take us very far. I have gone to the trouble of getting some information from officials this afternoon, and I think it will help us if we have firstly the legal effect of the subsection, and secondly how it has worked out in the past. From that we can work towards improving it if necessary.

The CHAIRMAN: Mr. Gariepy, may I suggest we have a subcommittee on education. I would suggest that this matter might be referred to that subcommittee.

Mr. GARIEPY: That suits me as long as the matter is not overlooked.

Mr. CASTLEDEN: I will second that motion.

Carried.

Mr. MATTHEWS: What about my suggestion?

Mr. CASTLEDEN: The suggestion was agreed to. I want to say first of all I am sure I am expressing the thoughts of all members of the committee when I say that your delegation has impressed the committee with your high purpose, your natural ability, your tolerance and sincerity. I think if the committee had any doubts we have living proof here that the Indians of Canada can make a great contribution.

Mr. GARIEPY: Hear, hear.

Mr. CASTLEDEN: One of your Indians out there, Dan Kennedy, said to me one day it was the hope of the Indians of the west that some day the Canadian people would weave into the pattern of their culture some of the bright threads of Indian culture. We are proud of your work. We thank you for your brief and the splendid way in which you have presented it. You have done a service both to yourselves and to the Canadian people, and I move a vote of thanks.

Mr. CASE: I would be pleased to second that. It certainly indicates they have made progress.

Hon. Mr. HORNER: If I may be permitted to say a word, coming from Saskatchewan, and knowing Chief Dreaver personally, I was disappointed that they did not recommend enfranchisement. He was worrying to-day over how they had presented their case and I said, "You have no need to worry. I doubt very much if there could have been a white delegation with similar occupations in Saskatchewan brought down here who would have presented their case as well as you did." I said, "I am only sorry you did not recommend enfranchisement", because I can picture some wonderful orators coming from their race.

The CHAIRMAN: It is 6 o'clock. Could the committee sit a few minutes more if we can finish?

Mr. CASTLEDEN: First on a point of privilege...

Rev. Mr. SPENCE: Are we coming back tonight?

Mr. CASE: We will decide when Mr. Castleden is finished.

Rev. Mr. SPENCE: I have a couple of problems I should like to present to the committee which are important.

Mr. CASTLEDEN: Maybe they will come up in the course of our questioning.

Rev. Mr. SPENCE: I should like to present them off the record. There is the question of liquor permits and blanket marriages I want to talk about that off the record.

Mr. BLACKMORE: I would prefer that we should come back at 9 o'clock. I would be willing to do that and give these gentlemen the two hours they need.

The CHAIRMAN: Does the delegation feel they have not completed their presentation to the committee yet?

Mr. TOOTOOSIS: They sure do. I have a number of other matters I want to take up.

Mr. CASTLEDEN: Unfortunately I have to leave by plane at 8 o'clock for the west. I should like to be able to ask my questions. First of all I should like to include Mr. Ostrander in the remarks I made, and thank him for the good work he has done as inspector of Indians affairs in Saskatchewan, and for what he said about this delegation. I think that was a very fine gesture.

Now with respect to my question on the economic conditions, you men are from reserves and have visited reserves and know something of the local conditions. You say that the Indians have difficulty even in paying the organization fee of \$1. Now what about these economic conditions? What do you think about them? Are these Indians able to make a good living on the reserves? Have they the facilities for making a living? How many have you come across that are wealthy and own a pretty big home or even a car if you like?

Chief DREAYER: I think we have been trying to stress the fact that the economic conditions on the reserves are bad. "Deplorable" is the word I used.

Mr. CASTLEDEN: Is that a general condition? Are say 80 per cent of them like that?

Chief DREAYER: There is a small percentage that have made good.

Mr. CASTLEDEN: How big would the percentage be?

Chief DREAYER: Very small, but I would not attempt to make a guess at it. I want to make this clear, that I do not think it is the fault of the men we have in the field to-day. I think the trouble is that the policy is laid out in Ottawa. They make policies here that cover the whole of Canada, for instance, with regard to timber and so on. We are under the same Act as the Indians in British Columbia and consequently what happens? The Indians have to pay dues on willows that are really a very small matter. Really they are paying these dues and I want to say this. I was speaking to an Indian from Red Pheasant reserve and he told me it takes three days' work to cut a load of pickets. Three days, going from bush to bush.

Mr. CASE: That is a wagon load.

Chief DREAYER: Yes, a wagon load of 300 pickets.

Mr. FARQUHAR: Does that money go into the band funds?

Chief DREAYER: That money, I believe, goes into the band funds. The point I am coming at is it takes three days work and probably the next day you have to take a team and haul it to a farm and therefore it takes four days and you only get nine dollars for it. Then they have to pay these dues. The thing is this. The Indians are living to-day by the sale of wood and pickets and that have you, because that is all we have to depend on for a living. We have to pay these dues, and get a permit, but people who are not on the reserve, such as the Metis and so on, they are out of it and consequently they can go to the provincial lands department and get what they want and they supply the millages. By the time we have our stuff to the market we find we do not get the price. The conditions are very poor.

I wish you had sent a commission to go to those homes for yourselves so that you would know what is what. I believe you sent a commission east. Why

did you not send one to Saskatchewan where you could have seen for yourselves? I was at a home at Pelican Narrows in July where a blind woman was living in a house. It was just a log building with nothing in between the logs but open spaces. When I looked I could see the daylight coming through. The Indians particularly asked me to go see the place. The blind woman was living all alone there and she had not had any flour for two months. I understand there was no flour there, from what was said to me at the time.

Mr. FARQUHAR: That would be the fault of the agent, would it not?

Chief DREAYER: I am not placing the blame, I am just telling you the conditions. These Indians asked me to go see for myself and I asked them had they spoken to the agent about this and the reply that I got was this. The agent only comes about once a year and that is at treaty time. When the agent does come he just stays for enough time to pay out the treaty money and he is away again. To everything that we ask the Indian agent he says "Yes, yes, you will have it" and that is the end of it. Conditions do not improve. He thinks he can keep us satisfied by just giving yes answers. This condition I found was up at Pelican Narrows.

Mr. CASTLEDEN: You found families on the reserve had no land cultivated and they had no cattle so that they had no means of making a livelihood except by working out?

Chief DREAYER: Yes, we have a band of non-treaty Indians near Spirit Lake, Saskatchewan. These Indians are non-treaty and they are living on the road practically all the time because they try to find jobs from the white people. I remember when the white people did not have money, when times were hard, those Indians had to go out to work for whatever they could get. They have nothing to work with and I remember I spoke to one of the officials about the home conditions there at one time. He was not able to do anything about it. I do not know what attempt he made. These Indians used to live by trapping and hunting, but the settlers have settled all around. They have hardly any game. There is hardly any trapping. The land is all taken up.

The CHAIRMAN: I think this is all mentioned in the appendices to the brief, your appendix A, our appendix ES.

Mr. CASTLEDEN: I think he has answered my question all right. With regard to the Indian agents and farm instructors, have you found a good spirit of co-operation between the Indians and the farm instructors, or do you find them antagonistic and suspicious?

Chief DREAYER: On my own particular reserve, I do not think there is much suspicion. We are fortunate in having a good agent and a good farm instructor. However, there are reserves where that does not apply. There is suspicion. They seem to think that the department is trying to beat them out of something or trying to keep them down.

Mr. CASTLEDEN: In how many reserves would you think that is the feeling? Would you think that is a general feeling or would it be generally the other way or about fifty-fifty?

Chief DREAYER: To answer you shortly, I would say about fifty-fifty.

Hon. Mr. HORNER: Your agent's office has not enough help?

Chief DREAYER: No, he has much more than he can do because he has a lot of Indians up north who live by trapping and hunting. Then, on the southern end of his agency there are farming Indians. I think they should divide the agency.

Mr. CASTLEDEN: You think the agency is under-staffed?

Chief DREAYER: We would get a better service from an increased staff.

The CHAIRMAN: Will you be much longer, Mr. Castleden?

Mr. CASTLEDEN: I have about three more questions.

Mr. BLACKMORE: It is now ten minutes after six, I wonder if we could not meet at nine o'clock to-night and have this thing done right.

Mr. CASE: Mr. Castleden has to go away to-night.

Mr. CASTLEDEN: I could leave my questions with Mr. Bryce and he could ask them to-night.

The CHAIRMAN: All right. Can enough members of the committee be back to-night so we will have a quorum?

Mr. BLACKMORE: I will be back, for one.

The CHAIRMAN: Is it the pleasure of the committee that we sit from nine o'clock until the delegation has completed its presentation? The delegation feels it has not completed its presentation as yet, is that true?

Mr. CASTLEDEN: Before we leave, there is one thing I wish to say. I think the delegation would be glad to know if they can wait over until to-morrow, the Department of Indian Affairs would be very glad to have them go over and visit the department and go through the organization.

Then, I should like to move, in view of the fact other delegations have made requests for the expenses of an extra delegate who came down to be paid, I would make an application for payment of the expenses of Mr. Spence, that consideration be given to that.

The CHAIRMAN: I think that will be referred to the subcommittee. We will adjourn now until nine o'clock to-night. We will meet in this room and Mr. Matthews will act as chairman.

The committee adjourned at 6.15 p.m. to resume again at 9.00 p.m.

The committee resumed at 9 o'clock p.m.

Mr. J. E. Matthews, M.P., Vice-Chairman, presided.

The VICE-CHAIRMAN: Mr. Bryce, did I understand that Mr. Castleden was to leave some questions with you?

Mr. BRYCE: I have them here.

The VICE-CHAIRMAN: If you will proceed we will go right ahead.

Mr. BRYCE: Mr. Castleden wants to know what expropriation proceedings you refer to at page 70? Can you answer that?

Mr. REID: What page?

Mr. BRYCE: Page 70. To what expropriation proceedings do you refer? Can you cite cases and explain that to the committee? Have any lands, hay rights, oil or lumber been taken from your reserves? Is that what you mean?

Mr. TOOTOOSIS: There are some reserves named here for the committee that the Indians have lost which they claim were their lands. I guess that would answer your question. There is the Keeseekoose reserve, and the Chakachass reserve. There are several other reserves. There was another reserve which was sold around 1926, a reserve just west of Duck Lake reserve along the river. The name of the reserve was Ochipoyan reserve. Certain bands around Prince Albert claim that the people of the Ochipoyan reserve should be living on this reserve which has been sold. There are quite a number of cases in Saskatchewan where they claim they should have had more lands than they have. For instance, there is one reserve near Little Pine where the teacher comes from. Those people claim their reserve was much bigger than what they have got. There are two chiefs there, Lucky Man and Little Pine. There are two bands on that little reserve about five miles square. It is just a small reserve.

Mr. CASE: Lucky Pine?

Mr. TOOTOOSIS: Lucky Man and Little Pine.

Mr. CASE: Lucky Man got the land?

Mr. TOOTOOSIS: Little Pine got it. I do not know how true it is but these people promised me to take an oath that the survey mark was much farther south. That reserve was much reduced at the time. The reserve was re-surveyed before the homesteaders came out west in our country.

Mr. LICKERS: Do you mean to say the reserve was re-surveyed before the Homestead Act actually came into effect?

Mr. TOOTOOSIS: Yes.

Mr. LICKERS: As a result of that re-survey the reserve was reduced in size?

Mr. TOOTOOSIS: That is what they claim. That is what the Little Pines claim. It was reduced because they say they found the survey mark away down southwest of this reserve. There are a lot of big reserves. Take the Sweetgrass reserve. It has pretty nearly 2,000 acres. It is 2 miles long. It has never been reduced. There are a lot of other big reserves. There are two chiefs at Little Pine, two bands. There are two chiefs, Little Pine and Lucky Man.

Mr. LICKERS: They are treaty Indians?

Mr. TOOTOOSIS: Yes, under treaty 6.

Mr. LICKERS: Under the treaties the reserve was supposed to be surveyed for them as to what they occupied at that time. Was it done?

Mr. TOOTOOSIS: I could not hear.

Mr. LICKERS: According to the treaties the reserve was supposed to be surveyed as soon after as possible. Was that done?

Mr. TOOTOOSIS: I suppose so. They have been there a long time. They were supposed to. I have had meetings with them and they have been talking about that.

Hon. Mr. HORNER: What about the Thunder Child reserve? Why was that sold?

Mr. TOOTOOSIS: I guess those people were persuaded to sell that reserve. I do not think they really wanted to sell it in the first place as far as I have heard from the old people.

Hon. Mr. HORNER: There is some very fine land there.

Mr. TOOTOOSIS: It sure is, the one they sold, but not the one they got.

Hon. Mr. HORNER: Do you know anything about how many Indians were left on Thunder Child when they arranged to sell?

Mr. TOOTOOSIS: I could not tell you right offhand.

Mr. BRYCE: Here is another question. Do you consider the medical services sufficient to meet the needs of the Indians?

Mr. CASE: In their brief they say that they are not sufficient.

Mr. BRYCE: That they are sufficient?

Mr. CASE: They say they are not sufficient in their brief.

Mr. BRYCE: In your brief you ask for representation in Ottawa. I think that is on page 65.

The VICE-CHAIRMAN: The third paragraph.

Mr. BRYCE: How do you suggest that the Indians of Canada should be given some say in the changing of the Act? Explain what you mean by that on page 65. It says, "The voice of the Indians should be heard," and so on.

Mr. TOOTOOSIS: I would say that the Indians should have representation every time there is going to be a change made in the Indian Act through their organizations.

Mr. CASE: Are you satisfied with one representative from each province?

Mr. TOOTOOSIS: Something like that.

Mr. BRYCE: On a basis like that, representation from the nine provinces according to the number of Indians in the province?

Mr. TOOTOOSIS: Yes.

Mr. BRYCE: I think that pretty well covers what Mr. Castleden left with me to ask.

Mr. LICKERS: I want to ask one question in connection with page 70 where you talk about the Keeseekoose band. Did you know they had filed a submission with this committee?

Hon. Mr. HORNER: What band was that?

Mr. LICKERS: The Keeseekoose band or Keeseekoose reserve. They filed a submission with this committee which is on page 525. In that they make no mention of being deprived of the hay lands.

Mr. TOOTOOSIS: They are talking about what they were supposed to get for the land on the west side of the river.

Mr. LICKERS: Did you know that they had filed a submission from that reserve?

Mr. TOOTOOSIS: I did not know that. I had a meeting with them last winter in December.

Mr. LICKERS: I was wondering about that because they make no mention of that.

Mr. TOOTOOSIS: The hay land they are talking about is what they are supposed to get for their piece of land on the west side of the river.

Mr. BLACKMORE: When did they file their submission, last summer?

Mr. LICKERS: There is no date on it as to when it was filed.

Hon. Mr. HORNER: Is this the Sweetgrass reserve?

Mr. TOOTOOSIS: Keeseekoose; it is in Pelly agency.

Mr. LICKERS: It is in No. 11.

Mr. CASE: Of the current reports.

Mr. LICKERS: Yes, No. 11 of the minutes of proceedings and evidence.

Mr. BLACKMORE: It will be in 1946?

Mr. LICKERS: It could be—1947. Now then, on page 7 of your brief, at the bottom of section 9, after apparently referring to section 8, you make this submission:

Such undemocratic attitudes should not be permitted to continue, and the Indian chiefs and councillors should be able to revert to the status which they enjoyed at the time of signing the treaties.

Then on page 36, at the bottom of the page:—

The Indians today feel that they should still be able to choose their chiefs and councillors in any way that they see fit, by election for a term of years or otherwise, as they may desire.

And also you refer to that again on page 37:

Such representatives, whether chiefs or councillors, as the band may determine, should have the power to deal with the affairs of the band, and should not be required, for the purpose of altering or changing the system of choice, to obtain the permission of the Governor in Council or Indian agents.

Now, what do the reserves actually want in connection with self-government, or the appointment of chiefs or councillors of their band?

Mr. TOOTOOSIS: That is on page 37?

Mr. LICKERS: I am referring to three pages; page 7, page 36 and page 37.

Chief GAMBLER: What was the question again?

Mr. LICKERS: I want to know so far as the different bands or reserves are concerned, what they want in connection with the election of chiefs; or by what form of government they want to be governed on their reserve?

Chief GAMBLER: The form of government on the reserves would be the first part of the answer; and at the time the treaties were made the chief was chosen by his own tribe to represent them. Since then the Indian Act has come in and as the law stands now he is elected for a term of three years, the chief and council are elected for a specific short term, and we would like to have it done according to our custom.

Mr. LICKERS: In other words, then what you want now is an expression of opinion?

Chief GAMBLER: Yes, an expression of opinion.

Mr. LICKERS: From the different reserves as to how they want to be governed locally?

Chief GAMBLER: Yes, on each reserve.

Mr. LICKERS: Is there on the reserves in Saskatchewan at the present time any dissension as to the mode of picking the council?

Chief GAMBLER: At times there is, and that council is prejudiced among the band.

Mr. LICKERS: And is that very prevalent among the tribes in Saskatchewan?

Chief GAMBLER: It is not very prevalent, no; here and there; but I know that they would not endorse the present election system.

Mr. LICKERS: What would they endorse?

Chief GAMBLER: A life membership.

Mr. LICKERS: They want to leave the chief out, then?

Chief GAMBLER: Yes, they want to have the office as a token of their feelings.

Mr. LICKERS: In any event they want an expression of opinion now as to how their local council should be chosen?

Chief GAMBLER: Yes.

Mr. MacNICOL: Would you mind telling us yourself how they do it in the Six Nations, Mr. Lickers?

Mr. LICKERS: On the Six Nations we elect a council yearly.

Mr. MacNICOL: And the chief?

Mr. LICKERS: And the councillors then elect their chief.

Hon. Mr. HORNER: Is that yearly?

Mr. LICKERS: Yearly.

Mr. MacNICOL: You elect three men right along?

Mr. LICKERS: Yes.

Hon. Mr. HORNER: Was there a time when the chief was hereditary?

Mr. LICKERS: Yes.

Mr. MacNICOL: Was that your local system?

Mr. LICKERS: Yes, until the Indian Act came into force.

Mr. CASE: It might be of interest to the western men here to know that in some parts of the maritimes they recognize a grand chief who is a hereditary chief but they continue to elect their council according to the new formula. That does not seem to interfere with the other election. Is there anything to prevent you from doing that?

Rev. Mr. SPENCE: Provided that chief is without final say.

Mr. CASE: They do work together. What actual weight he has I could not say. I know he did most of the talking when we were down there as a royal commission.

Mr. LICKERS: I think the usual thing under that is that he has more or less the power of casting a vote in the case of a tie.

Rev. Mr. SPENCE: As chairman.

Mr. LICKERS: Yes. Now then, in connection with the powers of the council would you say that they should have the right to govern their own affairs on the reserve?

Mr. TOOTOOSIS: Yes.

Mr. LICKERS: Without any approval having to be given by the Indian Department?

Mr. TOOTOOSIS: According to our brief here they should have some say in certain things, and they should have full say in a great many. That is what should be done.

Mr. LICKERS: Would you go so far as to say that they should have the same power as a municipal council in connection with their local affairs?

Mr. TOOTOOSIS: Yes.

Mr. MACNICOL: May I ask there what would the local affairs be, trails, roads, and that sort of thing?

Mr. TOOTOOSIS: Yes. I think they should have some power. On some things they have that. We should have some say in the way our money is spent. As it is now we have to go all the way to Ottawa. We have to make an application and submit it for approval. I think we should have the authority to manage our own affairs with respect to local matters such as the building of houses and that sort of thing. The whole thing should be administered sympathetically. As it is all of our money is tied up here at Ottawa and we have to make an application any time we want to use any of it. We have to have a meeting called to deal with it, then there is delay until we get the final report from Ottawa. For instance, we had to buy flour for whole families last fall and we had to wait until after the department approved it before we could get that flour. Sometimes there is great delay. In certain matters like that the band itself should have more control so that they will learn self-reliance. If you are going to have complete care of the Indian all the time he will never learn to look after himself. I think you should give him some rope and permit him to manage his own affairs within the reserve, give certain powers to the chief.

Mr. LICKERS: How much authority would you give the local council in connection with your trust funds?

Mr. TOOTOOSIS: What is that again, please?

Mr. LICKERS: How much authority would you give the local council in connection with your trust funds? According to the submission here I cannot quite understand what you want in connection with your trust funds.

Rev. Mr. SPENCE: On what page is that?

Mr. LICKERS: At the top of page 44.

Mr. MACNICOL: Mr. Lickers, you might be able to tell us just what control the Six Nations band has over the funds.

Mr. CASE: I think we could get that from Mr. Lickers later but we should find out what we can from these men.

Rev. Mr. SPENCE: I may say, Mr. Chairman, that I am not quite as familiar with band funds as some of these other gentlemen and I am unable to furnish you with the information on that. I am sure, however, that the other three

here who are all representatives of their own reserves have had experience along those lines and I am sure one of them should be able to clear up the particular point to which Mr. Lickers refers.

Mr. LICKERS: Articles 51 and 52. At the bottom of page 43 it says in the brief, "The effect of these two sections is that, even in cases in which the band requests that an expenditure be made, the superintendent is free to ignore the request and to refuse to make the expenditure in question."

Mr. TOOTOOSIS: Yes, expenditure of trust funds without consent. That is on section 93 of the Indian Act which relates to the expenditures of money.

Mr. LICKERS: Yes. Do you want to give the council or the band full authority in connection with expending funds, including the capital?

Mr. TOOTOOSIS: No, what we mean in this is. We should have some say as to whether it should be spent or not. Under this Act the Governor in Council or the superintendent general has all the power, whether we consent or not, to spend our money. The Indians should have some say in their money.

Mr. LICKERS: On the top of page 45 you say this, "Furthermore, all the returns on capital investments should be paid annually to the Indians and their children". Do you want that to be made as a per capita grant to the Indians and the children residing on the reserve?

Mr. TOOTOOSIS: What part is that?

Mr. LICKERS: At the top of page 45.

Mr. TOOTOOSIS: Well, that means interest moneys, what they are supposed to receive every year out of their capital.

Mr. LICKERS: You want that distributed per capita to the members of the band?

Mr. TOOTOOSIS: That is what we meant. That creates suspicion and distrust.

Mr. LICKERS: You do not want to use any of that money for improvements on your reserve and on any project.

Mr. TOOTOOSIS: That is the reason we want to have some say in our money.

Mr. LICKERS: You cannot have it both ways, that is you cannot distribute interest moneys among the members of the band and still be able to use some of it in connection with any projects.

Mr. BLACKMORE: Are you not speaking of two different kinds of money?

Chief DREAVER: I believe that was put in by certain bands who have built pastures and so on and they wanted the dues from those pastures to be distributed to the band yearly instead of the money coming from these pastures being sent to Ottawa. They want to have that money distributed. I think that was it.

Mr. LICKERS: So that what you want to have is the income from the leases on the reserve distributed.

Chief DREAVER: Wherever they have pastures. I think those are the bands that really brought this section. Where bands have built pastures to take in outside cattle and so on, that is what they want.

Hon. Mr. HORNER: That is their earned money?

Chief DREAVER: Yes, and sometimes they need it, and once it is carried into trust funds it is very hard to get it back.

Mr. LICKERS: You are not asking the capital of those trust funds be immediately transferred over to the band now?

Chief DREAVER: No, no.

Mr. MACNICOL: Mr. Lickers, would you mind telling us the procedure at Oshweken with the Six Nations band. They are a very enlightened people and most of them are almost ready for enfranchisement. Just how do they conduct their business?

Mr. LICKERS: We conduct ours the same as any other reserve in which the interest money is placed to the credit of the band and we will draw from Ottawa on that and we set up a budget each year against the money and we can use it for certain purposes.

Mr. MACNICOL: Like roads, and so on. You have very good roads there.

Mr. LICKERS: Yes, roads and certain things like that.

Mr. MACNICOL: Does Ottawa curtail your expenditures when you send the budget down to them?

Mr. LICKERS: Not a great deal.

Mr. MACNICOL: The band has some right to say how the money shall be spent.

Mr. LICKERS: Yes.

Mr. MACNICOL: I agree with that. I often think that Indians have not enough to say about the spending of their money.

Mr. BLACKMORE: Well Mr. Chairman, the most insulting thing of all is that moneys which the band is making, year by year, through by leasing land and by grazing, and so on, goes to Ottawa and comes back only at the dictation of some individual.

Mr. LICKERS: That applies not only to the bands but to the individuals. I think the committee made a recommendation on that at the last session but do not know how far it is being carried out.

Mr. BLACKMORE: That is causing great irritation in my opinion.

Mr. LICKERS: Well now, coming to education. At the bottom of page 15 of your brief, right at the last paragraph at the bottom of the page you say, "Where unsuitable home conditions exist. Indian children should be removed from their parents just as white children are, when they are found to be neglected". Now who is going to be the governing authority there to decide whether or not children are neglected and whether they should be taken away from their parents.

Rev. Mr. SPENCE: A trained social worker can recommend to the Indian agent and the Indian agent can recommend to the inspector of the province and the inspector of the province can recommend to Ottawa and so right down from the top to the bottom.

Mr. LICKERS: And where would these children be put?

Rev. Mr. SPENCE: Originally you know, the residential schools were for orphans who had no home. That is how these various residential schools in the different parts of our country came to be established. The original idea in the establishment of these residential schools was to provide a home for the children who had no proper home.

Mr. LICKERS: I was just thinking you had better be rather cautious in submitting that line of argument in view of the evidence we have already had as to the poor condition of most of the Indians. We would not want some authorities to go in there and take all the children away.

Rev. Mr. SPENCE: We are speaking in general terms, Mr. Lickers.

Mr. LICKERS: You are also asking that school trustees be appointed. How could they be appointed?

Rev. Mr. SPENCE: The same way that any school trustee is appointed in any civilized community. I think the time has come when that should be done in some reserves. There is an example in your own reserve; have you not school trustees there?

Mr. LICKERS: It did not work out very satisfactorily. We did away with them some years ago.

Rev. Mr. SPENCE: It will come in time. It just takes time. The progress is slow. Evolution takes a million years.

Mr. MACNICOL: There are quite a number of schools on the Six Nations reserve?

Mr. LICKERS: We have 16 schools.

Mr. MACNICOL: In the Oshweken area?

Mr. LICKERS: Yes.

Mr. MACNICOL: I presume each school section has its own board?

Mr. LICKERS: We have no school boards at all.

Mr. MACNICOL: Who is in charge of the teachers?

Mr. LICKERS: That is entirely up to the departmental officials.

Mr. MACNICOL: The Six Nations' council has nothing whatever to say about that?

Mr. LICKERS: Nothing whatever.

Mr. MACNICOL: Neither in connection with paying them nor engaging them?

Mr. LICKERS: No.

Mr. BRYCE: Did you say the department or the church appointed the teachers?

Mr. LICKERS: We have no denominational schools.

Mr. CASE: Is not the Six Nations band sending a representative here?

Mr. LICKERS: Oh yes.

Mr. CASE: Are we going to make a witness out of our counsel?

Mr. LICKERS: That is what I was wondering.

The VICE-CHAIRMAN: Have you any more questions?

Mr. LICKERS: Yes. On page 17 of the brief you are asking that school trustees have the power to inspect and investigate all matters pertaining to education, to visit the schools without notice at reasonable intervals and so on. Then you say section 9, subsection (5) of the Indian Act should be amended accordingly. Under that section of the Indian Act, the council apparently has the right to visit the schools any of the children are attending providing the necessary arrangement is made with the teacher or principal and the Indian agent. You want the council to have the right to visit the schools on their own authority at any time?

Chief DREAVER: That is correct.

Rev. Mr. SPENCE: That was put in there, apparently, because some of the Indians felt when the notification is given that an inspector is coming or the council representative is coming, they polish and dust the corners and so on in order to make a good appearance. I think that is why they want to eliminate the notice. Personally, I objected strenuously to that because it is a nuisance at times. However, there are only two of us who are day school teachers amongst about fifty, so we did not have much chance. I can understand their point.

Mr. LICKERS: I think, Mr. Spence, you attended a residential school?

Rev. Mr. SPENCE: Yes, sir.

Mr. LICKERS: At that school, did you just attend school half days?

Rev. Mr. SPENCE: Yes, the first school I attended was at The Pas. I went to school a half day and a half day I was out.

Mr. LICKERS: What were you doing the other half day?

Rev. Mr. SPENCE: Well, I learned how to carry wood, how to plant potatoes and how to grease an engine. I had the privilege of walking around acting as the aid to the engineer. I learned a lot. At least, I know which side of the potato comes up first.

Mr. LICKERS: What would you say or what would you recommend to this committee in connection with that system of residential schools now?

Rev. Mr. SPENCE: I should like to make this statement. I do not think there is any idea of abolishing the half day system. The objection is chiefly to the fact that the children are only going to school a half day, and in a period of nine days the children lose so much of their allotted time. I do not think any of the members of this delegation would say that the Indian children, at least so far as my children are concerned, when they go to any school, they should not be taught certain useful chores. I mean they should not go just to go to school and not be taught to do any work at all. I believe that comes under the heading of vocational training. I think it covers that angle. Does that answer your question, Mr. Lickers?

Mr. LICKERS: You still think the children should be given more than a half day of school?

Rev. Mr. SPENCE: Yes, I do.

The VICE-CHAIRMAN: In most residential schools, are they not given more than half a day? I know they are in some.

Chief DREAYER: I have travelled quite a lot in Saskatchewan and many people feel the children in these residential schools, especially where they have large farms, are over-worked. They are not only being taught, but it is actually child labour. At least, that is what their parents claim. It is not just a question of showing the children how to do these things, it is a question of getting the work done because, apparently, these schools have not sufficient money to carry on without child labour. The grain that is raised and the proceeds from the cattle which are kept all helps the school.

Mr. LICKERS: It amounts to the children operating the farm in connection with the schools?

Chief DREAYER: It is child labour according to many Indians.

Mr. REID: I think it would be unfair to leave the impression that all residential schools do that because I visited residential schools, two or three of them. Two of these schools which I visited were under the direction of the Roman Catholic Church, one of these schools under the direction of the Roman Catholic Church was just as fine a school as I have seen. The children received six hours of tuition, equal to the public schools. Therefore, you cannot classify all residential schools as the kind which work the children to death. I am one of those who believe that chores should be done, to a certain extent, because everyone of our boys did chores around the farm.

Mr. BLACKMORE: But the children are being worked too hard in your area, Chief?

Chief DREAYER: I merely say that in the opinion of most of the parents, that is the impression I receive in speaking to the different parents. They seem to think their children have been worked too hard. The parents claim the idea is not so much to teach the children how to work as to get work out of them; that seems to be the impression. I am not saying it is being done, I am saying that is the impression among the Indians.

The VICE-CHAIRMAN: Mr. Spence, would you mind answering that question?

Rev. Mr. SPENCE: The question was—?

The VICE-CHAIRMAN: How many of these residential schools only give tuition half time?

Rev. Mr. SPENCE: Well, I can speak only from experience and, of course, McKay boarding school, as you know, does not exist any more. It burned

down, so that eliminates one of my schools. In my day when I attended Elkhorn, the same procedure was followed and that was in the early thirties, I believe.

Hon. Mr. HORNER: How much land have they in connection with the Elkhorn school?

Rev. Mr. SPENCE: I believe Mr. Matthews gave a very good summary of the acreage in his brief submitted to this committee. I enjoyed reading that brief. It interested me as one of the ex-pupils of this particular school.

Mr. LICKERS: In connection with teachers, I note on page 21, section 27 of the brief, just before the last paragraph, you say,

Efficient teachers need encouragement to take up this arduous work and should be compensated by correspondingly higher salaries and pension benefits.

Do you mean by that that teachers should be civil servants and subject to a pension as civil servants?

Rev. Mr. SPENCE: Yes.

Mr. LICKERS: On page 22 of your brief you are asking that, "The present per capita grant paid through the education branch of the Indian Affairs is and has for some time been entirely inadequate and the burden of financing Indian education has been thrust upon the churches and upon private charities." Now, are you speaking there about the day schools as well as residential schools?

Rev. Mr. SPENCE: I think that refers mostly to residential schools. As I pointed out to this committee what is at the bottom of the whole thing as far as expenses are concerned is the balancing of the budget, and may I refer you in that connection to the plea that Mr. Hoey made to this same committee on page 27 of the 1946 evidence, No. 1. I shall read it, it will not take very long. He made this statement:—

To undertake a worthwhile Indian betterment program based on existing needs of the population and other needs that are likely to arise during the period immediately ahead of you it would in my judgment require a parliamentary appropriation to begin with of approximately \$14,000,000 or a sum a little more than double the amount which appears in the 1946-47 estimates. To continue this program it would, I am also convinced, require additional annual amounts for the next fifteen years at least, or until the peak figure of \$25,000,000 is reached. If such a program were based on a sound policy and closely linked up with efficient administration, there should be a gradual decline in expenditures from the sixteenth year onward. A great deal would depend, of course, on the sound practical value of our educational program and the extent to which we can arrest the ravages caused by tuberculosis and other communicable diseases.

Mr. BLACKMORE: Chief Tootoosis had a comment to make a moment ago, and I think it would be well for us to hear him now.

The VICE-CHAIRMAN: Yes, proceed, please.

Mr. TOOTOOSIS: I wanted to speak on the child labour matter. I was going to quote one of the delegates. As far as I can see this child labour matter the reason the Indian is opposed to child labour at the boarding schools is this: when a child works in a boarding school he is supposed to learn how to work. It might be part of his exercise, but he can have exercise in playing games after school. But whatever work he does in that school he is not so interested as he would be working at home if he was attending day school and if he was really doing something for his own use. In that case he would see what he is trying to produce. It would be part of his benefit, and he would appreciate it. He

ould be more interested in keeping on doing it than he would when he is at boarding school. I know that for a fact, because I have been in school myself.

The VICE-CHAIRMAN: What is your point in making that remark? Where are you leading to?

Mr. TOOTOOSIS: I am opposing child labour in the boarding schools.

Mr. CASE: You are not opposed to the boarding schools, are you?

Mr. TOOTOOSIS: I am. I am in favour of day schools where the child comes home after school hours and he can do what he likes.

Mr. CASE: You are opposed to residential schools, are you?

Mr. TOOTOOSIS: Yes. That is my personal opinion on that.

Mr. LICKERS: On page 19, section 23, at the bottom of that section there is his statement: "So long as Indians remain wards of the government, no Indian receiving worthy of higher education should be deprived of the means to enable him to qualify for professional or executive positions." Do you know of any instance where Indians have been deprived of the opportunity to qualify for professional or executive positions?

Hon. Mr. HORNER: Mr. Spence told us the difficulty he had securing any money to qualify himself.

Rev. Mr. SPENCE: I was going to make this statement. No, I withdraw that; I am not going to make that statement. But I will put it this way; I will make this statement: We have Indian clergymen and we have Indian teachers and we have Indian nurses, but why haven't we got Indian doctors and Indian lawyers?

Mr. MacNICOL: We have one at the table here now.

Rev. Mr. SPENCE: I am speaking for Saskatchewan. After all, I am representing Saskatchewan; I am not representing the Six Nations.

Mr. MacNICOL: I wish to ask one question. You have heard, of course, that the operation of the hospitals, the Indian hospitals, has been taken away from the Department of Indian Affairs and placed under the Department of National Health. Personally, I am opposed to that. I believe I opposed it in the House. What is your opinion as to whether the Indian department should look after their own hospitals as well as education, or do you think that the Indian should have two ministers—one the Minister of National Health and the other the Minister of Indian Affairs?

Rev. Mr. SPENCE: I do not know anything about that. That is something new, is it not?

Mr. MacNICOL: It has been going on only for a short time. I am going to oppose it in the House when it comes up again.

Rev. Mr. SPENCE: I do not know anything about it. I would sooner not make a statement.

Mr. MacNICOL: When you go away think it over and you can write back to the chairman of the committee about it. At present, as I said, the hospitals to which the Indians go are under the Department of National Health. They always have been, up to the present, under the Department of Indian Affairs. Personally I am in favour of them going back under the Department of Indian Affairs. I think the Indians should have one minister; that they should have their own minister, the Minister of Indian Affairs, and that the hospitals should be under his department just as Indian education should be under his department.

Mr. BLACKMORE: That is not a question, is it? I was wondering about this: we have been here now one hour asking questions and the Indians have a definite message to give us; I was wondering if it would not be better for us to hear that message now?

The VICE-CHAIRMAN: That is what I was going to suggest. We had better hear the witnesses make their statement now; and may I suggest that they make it fairly short.

Mr. REID: They were going to make a statement off the record which I thought would interest me a great deal because I have never heard of blanket marriages.

The VICE-CHAIRMAN: Mr. Lickers has one more question he would like to ask.

Mr. LICKERS: At the bottom of page 48 there is this statement:

Some instructors at present cultivate land for their own private use on the reserves and bring their own equipment and machinery thereon.

Where does that happen?

Chief GAMBLER: That may not be happening today, but I might answer by saying that on my own reserve at one time we furnished seed for an Indian who was farming with a white man outside the reserve. We furnished our own seed to this man. He was working with the farming instructor's son-in-law at that time. I would not say that they were using the band machinery to operate farms of their own. We allowed them a certain amount of land for their vegetables and everything else. We quite approve that they should use a portion of the land for demonstration purposes to teach the Indians. That may have happened in some other reserve.

Mr. LICKERS: I was rather disturbed with that question as to whether some of the farming instructors were using part of the reserve land for their own purposes without accounting for it to the Indians.

Mr. MacNICOL: They are not allowed to do that.

Mr. LICKERS: I was wondering whether that situation does arise because of that statement at the bottom of page 48 that some instructors at present cultivate the land for their own private use.

Mr. MacNICOL: They might cultivate some land to raise food for their own homes, but they would have no right to cultivate to raise products to sell.

The VICE-CHAIRMAN: I think we should have a definite answer as to where it happened and who are the instructors. That is a pretty serious charge to make, and it might reflect on any instructor.

Chief GAMBLER: I would say that since there were a few of the Indians in Saskatchewan who helped to draft this brief that might have happened in some place, but as far as I am concerned since I do not know of any particular case I would not say that it had happened.

The VICE-CHAIRMAN: Which of you gentlemen wishes to take first place?

Mr. TOOTOOSIS: What about Indian marriages and church marriages?

The VICE-CHAIRMAN: Do you want this on the record?

Mr. TOOTOOSIS: I want to have it on the record.

Mr. MacNICOL: I think Mr. Spence said "blanket marriages."

Mr. TOOTOOSIS: You can have it on the record and when I am finished if you want to take some part of it off that will be all right, but I would like to have what I say on the record. Indian marriages and church marriages are both recognized by the Indian department. There was the Jackson case in court at Battleford. Mr. Ostrander was present at that court hearing. Let me take an Indian man and woman who belong to different churches and they want to live together. They have been brought up to stick to their religion to the last day of their lives. When these people love each other and nobody else in the world what are you going to do with them? There is no law to compel them to throw away their religion. That is where the Indian marriage

ies in, but they should have the same responsibility as a church marriage. That is the way I would like to see it work because some of these couples are happier than church married couples.

Mr. REID: Those kind of marriages are not recognized.

Mr. TOOTOOSIS: They are recognized by the Indian department.

Mr. REID: Then what are you suggesting?

Mr. TOOTOOSIS: A definite ruling.

Hon. Mr. HORNER: What form does the Indian marriage take?

Mr. TOOTOOSIS: According to an old ruling in the olden days if an Indian wants to marry a girl the parents would decide in the case. They decide their children love each other and they want to live together. They decide and they allow it and then they live together.

The VICE-CHAIRMAN: Have you anything else gentlemen.

Mr. REID: Could we hear about the liquor question which Mr. Gariepy mentioned a moment ago. He wanted to hear about the liquor.

Mr. GARIEPY: If it is worth while.

Rev. Mr. SPENCE: We purposely left it out of our brief, as you will notice.

The VICE-CHAIRMAN: Do you want this on the record?

Rev. Mr. SPENCE: It might as well be on the record. I would ask however, as a matter of seniority, that these gentlemen speak in this order. First Mr. Tootoosis, then Mr. Dreaver, and then Mr. Gambler and I will speak in it last.

The VICE-CHAIRMAN: Go ahead Mr. Tootoosis.

Mr. TOOTOOSIS: My view of this question, which came up at our last meeting is this. In the first place it is in our treaty and it was left to the government to decide whether something was fit for an Indian to drink. That is the way I understand it. Now I look at my Indian people, whom we are trying to work for right at this moment. They are down and out people just in poor condition and we find they are getting liquor of the wrong kind. When you are trying to help the Indian, to lift him up on his feet and give him a chance at education, there is still some control on this problem. The Indian would learn to handle whiskey. I do not say all Indians would, because I know all white people cannot handle it. So I think it is to the Indians' favour to ask for liquor.

Mr. MACNICOL: They do not get liquor, they are forbidden it.

Mr. TOOTOOSIS: Yes, and I am not in favour of that.

Chief DREAVAR: With regard to the liquor question I would like to say this is a matter that has not been discussed by the organization and any opinion we give on this would be our personal opinion. We have not got the backing or authority from the people we represent with respect to this question. I would like to say with regard to the question that the sooner the Indian has the same privilege as the white man it will be better for him. No doubt, if he has the privilege, the Indian will at first abuse the privilege but he will soon learn to make proper use of it. During my experience in the army, I found that to be so. In the first great war I was with quite a number of Indians and when they first had the privilege of going into the wet canteens, as we used to call them in the army, some of them abused their privilege.

Mr. BLACKMORE: But they got wise.

Mr. MACNICOL: They soon learned it was no good.

Chief DREAVAR: In time they would come to use the privilege sensibly and found no difference whatever between the Indian and the white man. The same thing applied in this war. I was a headquarters sergeant in Medicine

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